N. 24.a.

THE

VOTES

AND

PROCEEDINGS

OF THE

General ASSEMBLY

OF THE

Province of NEW-JERSEY.

Held at AMBOY on *Thurſday* the *Fourth* of *April* 1745.

PHILADELPHIA:
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John Brick: jun.

VOTES

OF THE

General ASSEMBLY

Names of the Repreſentatives.

City of Perth-Amboy,	*Samuel Nevill*, Speaker.	*Pontius Stelle.*
County of Middleſex,	*John Heard*,	*John Moores.*
Monmouth,	*John Eaton*,	*Robert Lawrence.*
Eſſex,	*John Crane*,	*John Low.*
Somerſet,	*John Van Middleſwart*,	*Hendrick Fiſher.*
Bergen,	*Lawrence Van Buſkirk*,	*David Demareſt.*
City of Burlington,	*Richard Smith*	*Daniel Smith.*
County of Burlington,	*William Cook*,	*Samuel Wright.*
Glouceſter,	*Joſeph Cooper*,	*Ebenezer Hopkins.*
Salem,	*William Hancock*,	*John Brick*, jun.
Cape-May,	*Aaron Leaming*, jun.	*Jacob Spicer.*
Hunterdon,	*William Mott*,	*Daniel Doughty.*

15th Aſſembly.

THURSDAY, April 4. 1745.

PURSUANT to the Writs for electing Repreſentatives of the Province of *New-Jerſey*, to meet at *Perth-Amboy* on the 28th of *March* laſt, and ſeveral Prorogations to this Day, Nineteen of the Members met.

Mr. *Richard Smith* and Mr. *Stelle* were deſired to wait on his Excellency and acquaint him, that a ſufficient Number of the Repreſentatives to proceed upon Buſineſs are met.

Being return'd Mr. *Smith* inform'd the Members, that Mr. *Stelle* and himſelf, waited on his Excellency with the Meſſage, and that he was pleaſed to ſay, That he had granted a Dedimus to qualify the Members, and that when they were qualify'd, they might proceed to chuſe their Speaker.

Andrew Johnſton, Eſq; produced a Dedimus, authorizing the Honourable *Robert Hunter Morris*, Eſq; *Andrew Johnſton*, *Samuel Nevill*, and *Pontius Stelle*, Eſqrs; or any two of them, whereof the ſaid *Robert Hunter Morris* or *Andrew Johnſton* to be one, to qualify the Repreſentatives, which was read, and the ſaid *Andrew Johnſton*, *Samuel Nevill* and *Pontius Stelle*, Eſqrs; being preſent, the Members met were qualified.

Then the Members proceeded to chooſe their Speaker, and *Samuel Nevill*, Eſq; was choſen and conducted to and placed in the Chair accordingly.

Ordered.
That Mr. *Eaton* and Mr. *Cook* do wait on his Excellency and acquaint him, that the Members being qualified, have choſe their Speaker, and deſire to be inform'd when the Houſe ſhall attend his Excellency to preſent him.

Mr. *Eaton* reported, that Mr. *Cook* and himſelf waited on his Excellency, and that he was pleaſed to ſay, *He ſhould be ready about ten o'Clock to-morrow Morning.*

The Houſe adjourn'd till to-morrow Morning nine o'Clock,

Friday, April 5. 1745.

The Houſe met:

A Meſſage from his Excellency by Mr. Secretary *Read*:

" Mr. Speaker,
" His Excellency has ordered me to acquaint you that he is in the Council " Chamber ready to receive the Preſentation of your Speaker.

Mr. Speaker left the Chair, and with the Houſe, went to attend his Excellency.

Being return'd, Mr. Speaker reſum'd the Chair and reported, That the Houſe had waited on his Excellency and preſented him as their Speaker, and that his Excellency was pleaſed to approve of their Choice. That he had requeſted his Excellency, that the Houſe might be protected in their uſual Priviledges, which was readily granted: And that his Excellency was pleaſed to make a Speech of which he promiſed the Houſe a Copy as ſoon as it could be got ready.

The Houſe adjourn'd till two P. M.

The Houſe met.

Reſolved,
That *John Titus* be Door-Keeper of this Houſe.

Reſolved,

Reſolved,
That the Speaker and any three of the Members be a ſufficient Number to meet and adjourn from time to time; but that not leſs than Sixteen of the Members, including the Speaker, be a ſufficient Number to proceed to any other Buſineſs.

Reſolved,
That the Members Names to their Affirmative and Negative on any Queſtion, be entred in the Minutes of the Houſe, if deſired by any three Members.

Ordered,
That the Clerk of the Crown do lay the Writs for electing the Repreſentatives to ſit in this General Aſſembly, with the returns thereof before the Houſe.

Reſolved,
That *William Bradford* of *Philadelphia* do print the Votes of this Houſe, being firſt peruſed and ſigned by the Speaker.

The Houſe adjourn'd till 9 *A. M.*

Saturday, April 6. 1745.

The Houſe met and adjourn'd till Monday morning nine of the Clock.

Monday, April 8. 1745.

The Houſe met and adjourn'd till To-morrow Morning nine of the Clock.

Tueſday, April 9. 1745.

The Houſe met.

The Clerk of the Crown according to Order, laid the Writs of Election with the Returns, before the Houſe.

Mr. *Speaker* acquainted the Houſe that he had obtain'd a Copy of the Governor's Speech, which was read, and ordered a ſecond Reading, and is as follows:

Gentlemen of the Council and Aſſembly;

WHEN we laſt met at this Place, I entertained Hopes that the Iſſue of that Meeting would prove of general Benefit and Satisfaction to the Inhabitants of this Province; and that the Harmony and Agreement that ſeemed then beginning to exiſt between the Branches of the Legiſlature, would be effectually promoted, and produce the good Effects that naturally flow from ſuch a Concord.——The Gentlemen of the then Aſſembly, in their Addreſs to me acknowledged, that what I had ſaid to the Aſſembly

before that met at *Burlington*, to ſhew the NECESSITY of putting this Colony into as good a Poſture of Defence as we could do; and concerning the DEFECTS of the PRESENT Militia Act for that Purpoſe was publick, and that what I had ſaid ſhould have its proper and DUE Weight with every Member of their Houſe. And they did aſſure me, that their Houſe would always CHEARFULLY do their DUTY, and PROVIDE for the neceſſary Expences that might be occaſioned by the legal calling together the Forces of this Province, or ANY PART of them, for the repelling an Enemy, or quelling any Inſurrection or Rebellion, or for the Aſſiſtance of our NEIGHBOURS, *or upon any other neceſſary Occaſion whatſoever.*

They ſolemnly ſaid, and as I believ'd truly, that they met together at that Time, with HEARTY and SINCERE Intentions to do all in their POWER that was NECESSARY for the publick Good and Happineſs of the Inhabitants of this Colony, or CONDUCIVE to it, and that with no more DELAY than needful.

Theſe *(Aſſurances)* they hoped would make what they had to aſk admit of the moſt favourable Conſtruction: *And further ſaid, that conſidering what they had ſaid to me*, they therefore became Petitioners to me, to order them to adjourn for a Month or five Weeks, *at which Time* they MIGHT make PROVISION for the Support of the Government, *&c.* And ſaid that they would on their Parts HEARTILY and SINCERELY endeavour to promote that Harmony and good Agreement among the Branches of the Legiſlature ſo neceſſary for the publick Good, and ſhew themſelves not unworthy any Favour I would pleaſe to indulge them with.

Tho' what was then recommended to them was not only neceſſary to be done, and required the greateſt Diſpatch that the Nature and Circumſtances of Things would admit of: Yet conſidering what they had ſaid, as Promiſes made and intended by them, as Motives to induce me to grant what they requeſted, upon what I believ'd the Sincerity of their Intentions of effectually going through with what I thought they had ſo readily entered upon, and firmly reſolved to take in to their Conſideration at their next Meeting; and that THEN they would, as they ſaid they might, PROVIDE for the Support of the Government, I was induced to adjourn their Meeting to a farther Time. This I told them at the Time of giving them leave to adjourn purſuant to their Petition, and on theſe Conditions, propos'd by themſelves, they were adjourn'd, and I doubted not that at their next Meeting, they would, AS THEY HAD PROMISED, *heartily and ſincerely on their Parts*, endeavour to promote that Harmony and good Agreement among the Branches of the Legiſlature, which they then owned to be neceſſary for the publick Good, and would, as they had promiſed, have ſhewn themſelves not unworthy of any favour granted them.

I wiſh I could truly ſay, that any of theſe Engagements had been effectually complied with: How far they have been attempted, and what hearty and ſincere Endeavours have been uſed by the Petitioners on their Part, to promote that Harmony among the Branches of the Legiſlature ſo neceſſary for the publick Good, will beſt and with moſt Certainty appear from the Votes

Votes and Reſolutions of that Houſe, entred into their Journals and made publick by their Order.

The Neceſſity of putting this Province into as good a Poſture of Defence as we could do, ſeems to me ſelf evident; and if we have any regard for the ſafety of the Inhabitants of it and their Poſterity, is what we are obliged to do. The Defects of the preſent Militia Act for that Purpoſe is not unknown; and that the Security of this Province, and Preſervation of his Majeſty's Government over it, greatly depends upon the Militia being put into ſuch Methods as may make the ſame moſt uſeful for the Defence thereof, was own'd in the Words above by the laſt Aſſembly put in the Preamble of the Militia Bill propos'd by them.

If the preſent Militia Act had been ſufficient for that Purpoſe, there was no Neceſſity for making a new One; and therefore an endeavour to make one, is a Confeſſion, at leaſt of that Part of the Legiſlature, of the Neceſſity of doing it.

The ſame Neceſſity ſtill remains, and will remain until it be done: And therefore, ſince it has been confeſs'd in ſo ſolemn a Manner, as the Inserting it in the Preamble of a Bill, that the Security of this Province and Preſervation of his Majeſty's Government over it does greatly depend upon the doing of it, I hope you will heartily ſet about it: And if the Members of this honourable Board and your Houſe, will both heartily and ſincerely Endeavour to promote that Harmony between you that is neceſſary for the publick Good to be cultivated and by all means improv'd, I ſhall not deſpair of ſeeing the good Effects of it for the Benefit of your Country.

The Bill for making *Forty Thouſand Pound* current in Bills of Credit, however neceſſary or convenient that Aſſembly conceiv'd it to be, yet I think was not very prudent for them to attempt, before they had known the Succeſs of a Bill intended to be brought into Parliament, with relation to the Currency of Paper Bills of Credit in the Plantations, a Copy of which, as appears by their Votes, had been communicated to them: Nor was the Opinion that Houſe was pleaſed to give concerning that Bill, *viz. That if the ſaid Bill, or any Bill of that Tendency, ſhould paſs into a Law, it would not only be an ENCROACHMENT upon the fundamental Conſtitution of this Colony, and the Conceſſions made to the firſt Settlers thereof by his Majeſty's Royal Anceſtors, but alſo deſtructive of the Liberties and Properties of his Majeſty's Subjects now Inhabitants of the ſame*; ſo prudent as might have been expected from the Sagacity of the Repreſentatives of a Province.

I believe I have much longer known the fundamental Conſtitution of this Province, and the Conceſſions made to the firſt Settler's of it, either by the Crown or the Proprietors than the greateſt Part of that Houſe, and do not remember that I ever heard of, or ſaw any Thing amongſt them, that related directly or indirectly to a Paper Currency. But if any ſuch Thing had been granted in the moſt expreſs Terms, a *Britiſh* Parliament can aboliſh any Conſtitution in the Plantations that they deem inconvenient

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or diſadvantageous to the Trade of the Nation, or otherwiſe, without being ſaid to encroach; all Encroachments being in their own Nature ſuppos'd to be illegal, which could not be ſaid of an Act of a *Britiſh* Parliament with any decency, by any Perſons that underſtood what they ſaid.

As I thought it imprudent to propoſe ſuch a Bill at that Time, ſo I was concern'd to ſee the Difference that aroſe between the Council and that Houſe on that Head and others, and the great length it was carried to; and that inſtead of uſing any Endeavours to promote that Harmony and Agreement allow'd to be ſo neceſſary for the publick Good, every Propoſal that had a Tendency to promote it, or moſt likely to affect it, ſeem'd to be ſtudiouſly avoided, and Diſcord and Diſſatisfaction prov'd, as it was moſt likely it would, the Conſequence of ſuch a Conduct.

If Men would give themſelves leave to be govern'd by that Portion of Reaſon that falls to the Share of every one, not an Ideot, and not ſuffer themſelves to be hurried away by the Impetuoſity of their blind Paſſions, they could ſcarcely avoid ſeeing, that in ſuch a Legiſlature as ours is, conſiſting of Parts, that each Part has an undoubted Right to diſſent to any Thing propos'd by the other, if it appears unreaſonable to the Part or Perſon to whom it is propos'd, however neceſſary or convenient the Propoſer may conceive it to be, and that without being cenſur'd for doing ſo, or compell'd to aſſent by any Method but that of Reaſon and Argument; if that fails, the Propoſal ought to be deferr'd to ſome more favourable Opportunity, when what the Propoſer calls Reaſon and Argument, may poſſibly have a greater Influence. To uſe any other Means of Compulſion, is not acting the Part of reaſonable Men, but of ſomething elſe; and I believe none that endeavour it, would themſelves like the being compell'd by any other Way than that of Reaſon, however well they may be pleaſed with prevailing over others by a different Method: But when Men grow angry, Reaſon is laid aſide and Paſſion aſſumes the Rule, which forces thoſe under its Government into Actions that when they come to themſelves, they ought rather to be aſhamed of than to perſiſt in, eſpecially when the Publick becomes a Sufferer by their warmth.

The Council might refuſe an Aſſent to Bills propos'd by the Aſſembly, for Reaſons they judged ſufficient to juſtify their Conduct; as the Aſſembly might to thoſe propos'd by the Council, for Reaſons in their Opinion very cogent; and when the Reaſons on both ſides become Publick, every one that ſees them will be able to form ſome Judgment which of them are Right: But what Relation the Council's refuſing to aſſent to a Bill has to the Support of the Government, or why the Council's not aſſenting to a Bill, ſhould be a Reaſon for not ſupporting the Government, even if that Support was to be raiſed upon the People, I confeſs I do not ſee; but as you all know the Government here is not ſupported by a Tax upon the People, but paid by the poor and neceſſitous Part of them out of an Intereſt ariſing on Bills of Credit lent, which the Crown conſented to give them Leave to make at the earneſt Requeſt of the Inhabitants, to enable them the better to ſupport the Government, and it is made ſolely for and appropriated to that Uſe; ſo that all the Aſſembly, or Council either, has to do with it, is to agree upon the Quantum yearly to be applyed to that purpoſe: But not applying

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any of it to that purpoſe, or ſo ſmall a Quantity as was well known would never be agreed to, which is the ſame Thing as making no Proviſion at all; is not anſwering the Intent of the Law, nor of the Crown, who had never permitted it to be made but on the Aſſurance that the Government ſhould be certainly ſupported. I add to this, the Petitions from the Preſident and Council, the Speaker and ſome Members of Aſſembly, and the Grand Jury, to his Majeſty for a ſeparate Governor from that of *New-York*; in which, after ſaying that they humbly conceived the great Value of the Government of *New-York*, beyond that of *New-Jerſey*, induced the Governor of both to prefer that to this for his almoſt conſtant Reſidence, they tell his Majeſty (to induce him to grant their Petition) That the Inhabitants of this Province are *equally willing and able* to ſupport a diſtinct Governor, with divers of the neighbouring Colonies who enjoy that Benefit UNDER HIS MAJESTY: This was a Renewal of the Aſſurances to ſupport his Government; and the Petitions being granted, his Majeſty has much Reaſon to expect a punctual Complyance with thoſe Aſſurances then given to induce him to do it. This has never been done ſo fully as neceſſary, there being no Incidents allowed as formerly (which has made it expenſive to me, an Account of ſome of which ſhall be laid before you) nor no Proviſion for the Meeting of the Council at any Time but at the Meeting of the Ligiſlature, tho' their Meeting is abſolutely neceſſary on many Occaſions, and will be more particularly ſo in Time of War.

This neceſſary Proviſion for Incidents, tho' formerly conſtantly made, has ſince your having a ſeparate Governor, been as conſtantly omitted, notwithſtanding the Aſſurances given in thoſe Petitions to his Majeſty; and to compleat the Matter, tho' there be in the Treaſury at this Time Money enough, or rather Paper enough, to ſupport the Government for three Years to come, and more daily coming in, rais'd for and appropriated to the Support of it, the Government is now entirely left without any ſupport.

This ſhews at once both the Ability of the Inhabitants, and how willing their Repreſentatives have been to make good their Engagements, and may be one of the Methods choſen by the laſt Houſe of Repreſentatives, to ſhew themſelves not unworthy of what they then eſteem'd a favour granted them: But whether the not ſupporting the Government in a due and handſome Manner with the Money they had leave to make for that very Purpoſe, be a ſuitable return for that Favour, or the moſt likely Method to induce his Majeſty to grant them Favours of that or any other Kind, thoſe of them, who can give themſelves leave to think calmly, may, without much difficulty, determine.

Why the Government is not ſupported, appears very plainly from the Preamble which uſhers in the Report of the Committee, appointed to conſider the State of the publick Affairs, and the Reſolutions of the Houſe upon it, to leſſen the uſual Support; and conſiſts chiefly of two Parts, tho' very confuſedly blended together, *viz.* One that relates more particularly to myſelf; the other that relates to the Gentlemen of the Council jointly with me; and are offered and publiſhed in their Votes as Reaſons to juſtify their Conduct to the Populace in that particular, as well as to ſecure their own Re-election in Caſe of a Diſſolution, which their Conduct gave them reaſon to expect.

As to what relates to myſelf, they ſay, that a great deal of Time has been ſpent and much Pains taken, at a large Expence, by moſt of the Aſſemblies of this Colony, as alſo by the preſent Aſſembly, to form and adjuſt Bills which THEY CONCEIVED eſſentially neceſſary to the well being of the Inhabitants, which in the Nature of them could not, with any Reaſon, be conſtrued to interfere with his Majeſty's Prerogative, many of them being but temporary Bills, others with Clauſes ſuſpending their Effects till His Majeſty's Pleaſure ſhould be known; and all of them as near *as the Nature of them would admit* agreeable to the Laws of England; after all which Caution, Pains and Expence, they found *many of them* heretofore ſo formed have been rejected by his Excellency, after their having paſſed both Council and Aſſembly, of which we find the late Aſſembly in their Addreſs to his Excellency grievouſly complaining, and therein PROPOSED to his Excellency the paſſing their Bills previous to the granting the Support of the Government; this is what directly relates to myſelf: What follows, more directly relates to the Council, but has alſo, as I take it, ſome Relation to me, and is as follows, *viz.* Since which *(as the Committee conceive) Ways have been thought of* to influence the Majority of the Council to reject the Bills propoſed by the Aſſembly; and they think their Conjecture not groundleſs, becauſe it appears what Number of them have been rejected on the ſecond Reading, and one of them that made Proviſion for purchaſing One Thouſand Muſkets, &c. Theſe are the main of their Reaſons for not ſupporting the Government, to which there are two added to make them appear Numerous, *viz.* 1*ſt*. That there is but ſix or ſeven Councillors reſiding in the Province, and ſeldom more than five or ſix of theſe ſeven give their Attendance at a Seſſion. 2*dly*. That the Governors Son is Chief Juſtice and one of the Council, which ſeems to them to be inconſiſtent, and may, in ſome Caſes, be prejudicial.

I find the Gentlemen were diſpleaſed becauſe I refuſed my aſſent to ſome of the Bills paſſed by Council and Aſſembly; or, to uſe their own Words, I rejected many of their Bills formed with Caution, Pains and Expence, after they had paſſed both Council and Aſſembly; and for that Reaſon, with the others mention'd above, did not ſupport the Government. That they were leſs able than formerly to do it, doth, by the Money now in the Treaſury for that Purpoſe, evidently appear not to be true; and their Pretence of ſaving Money to ſerve his Majeſty on any Emergency, ſhews how hard they were put to it to find a Colour for the Neglect of their Duty.

Had the Gentlemen thought fit to mention the many Bills they ſay I had rejected, with the Reaſons I gave at the Time for doing it, and ſhewn the Weakneſs of them, (tho' my Conduct in thoſe Caſes has been approv'd of by both my Superiors and theirs) did I think my ſelf accountable to them or to you for refuſing my aſſent to any Bills propos'd by the Aſſembly, I ſhould have been able to have ſpoken more fully to it: But before I ſay any thing more on this Head, I deſire you to takeNotice and fix it well in your Memory, that his Majeſty, by his Letters Patent under the great Seal, has appointed me Governor of this Province; that it is by Virtue of theſe Letters Pattent, we meet to make Laws; that Bills paſſed by either the Council, and ſent to the Aſſembly for their Concurrence; or by the Aſſembly and ſent to the Council for their's, may be rejected by either

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Council or Aſſembly, without giving any Reaſons for their doing ſo; or each may make ſuch Alterations to them as either of them think proper; and however neceſſary or convenient one Part of the Legiſlature might conceive ſuch Bill to be, the other Part might conceive it to be neither neceſſary nor convenient, but pernicious and of dangerous Conſequence. Theſe Parts of the Legiſlature are Checks upon each other, with intent to prevent the paſſing of any Bill that may be prejudicial to the People or Deſtructive of his Majeſty's Authority and Government.

That by Virtue of theſe Letters Patent the Governor has a Negative Voice, and no Bill paſſed by Council and Aſſembly can obtain the Force of a Law without his Aſſent, which he may refuſe to give if he thinks fit, and for doing ſo he is not accountable to Council or Aſſembly, nor obliged to give either of them any Reaſons why he refuſes his Aſſent.

This is known to all, has been the conſtant Practice ſince this Government came into the Hands of the Crown, and is ſo in all the Kings Governments agreeable to the Practice in *England*; this being well fixt in your Memory, the Reaſons for denying the Support of the Government amounts to this, that while the Government ſubſiſt in its preſent Form, the Governor by refuſing his Aſſent to Bills paſſed by Council, has done what he had a Right to do, and what it may be ſuppoſed he thought it his Duty to do; and the Council in rejecting their Bills, have done what they had a Right to do, and what the Aſſembly in their Anſwer to the Reſolves of the Council, own they had a Right to do: But notwithſtanding that, they do not think fit to ſupport a Government, where the Governor and Council have ſuch Rights, and aſſign their Acting purſuant to ſuch Rights, (as its agreed on all hands they have) as Reaſons for their not Supporting the Government; and by their printed Votes, make an Appeal to the Populace to determine in the Caſe at leaſt, if not to abet them in doing what they have done.

The Kings of *Egland* have from Time immemorial, refus'd their Aſſent to many Bills paſs'd by both Lords and Commons, without aſſigning any Reaſon for their doing ſo, and ſo have the Lords to Bills paſs'd by the Commons, tho' perhaps not ſo often; and if it may be lawful to compare ſmall Things with great, ſhould the Houſe of Commons deny to ſupport the Government, and aſſign theſe Refuſals as a Reaſon for their Denyal, as is done here, and appeal to the Populace upon it, or in an Addreſs, propoſe to the King to paſs their Bills previous to their granting the Support of Government, could it bear a milder Conſtruction than an Attempt to alter the Conſtitution? and is it leſs ſo here?

I believ'd with ſome reaſon, that the Houſe was aſham'd of that rediculous Propoſal of paſſing THEIR Bills previous to their granting the Support of Government, and was willing for their Sakes to forget it, and let it drop into that Oblivion it deſerv'd; but ſince the late Houſe have thought fit to mention it on the particular Occaſion they have done, I ſhall ſay a few Words to it. And *Firſt*, It is known to all, and to themſelves in particular, that the Money in the Treaſury is appointed for the Support of Government and appropriated to that Purpoſe, and all that they have to do in it, is to

agree

agree with the Council and my ſelf what Quantity of it ſhould be applied to that uſe, and the Council could with equal Propriety have made the ſame Propoſal to paſs their Bills, that is, the Bills of the Propoſers, previous to their granting the Support. I thought that what I had ſaid when that Propoſal was made, and the Bills I then paſſed, left no room for a ſecond Mention of it, but ſince they have done it on the Occaſion they did, and thereby ſeem to inſinuate to the Populace, that my paſſing of their Bills is a Condition on my Part to be complyed with before they will agree to the Support of the Government. I take leave to ſay, that what they call a Propoſal, I eſteem a moſt unmannerly Threat, that they would not ſupport the Government at all, unleſs I paſs'd all their Bills before they did it, and then would ſupport it as they thought fit: To which I ſay, that I will aſſent to none of the Bills paſſed by the Aſſembly, unleſs firſt aſſented to by the Council and I approve of them: But not even then, if I think ſuch Bill not very neceſſary, unleſs ſufficient Proviſion be made for the Support of the Government previous to the paſſing any Bill by me. And this, Gentlemen, I deſire you to take notice of, and govern your ſelves in this Caſe as you ſhall think proper.

I do not remember to have ſaid any Thing to any of the Council concerning any Bill before them, either during the Sitting of the laſt Aſſembly or at any other Time: They ſit and act by themſelves without my being amongſt them, or endeavouring to influence them any way, as they have always done ſince I came to the Government, which they all of them can and I ſuppoſe will very readily declare.———That they have been influenced to reject ſeveral of the Bills ſent up by that Aſſembly, and even their favourite one of making current *Forty Thouſand Pounds* in Bills of Credit their rejecting of them ſhews; and their Repreſentation to me to be laid before his Majeſty, ſhews alſo what influenced them to do as they did: I too, have not been without my Thoughts how to influence the late Aſſembly to conſent to a handſom Settlement for the Support of the Government but I confeſs, and the late Proceedings ſhews, it was to as little purpoſe a if I had not thought at all.

That the Number of reſiding Councillors for ſome Time has not been more than ſeven, has not been unknown to the Miniſtry, and his Majeſty may compleat the full Number of twelve, when he judges it proper to do it, but I cannot. If five or ſix out of ſeven have attended, it is as many as could well be expected, and perhaps if compleated, there may not be many more even at a Seſſion of Aſſembly.

A Chief Juſtice being of the Council has been and is a very common Thing, both in this and the Neighbouring Provinces. Nor are theſe Offices *incompatible*, as the Gentlemen of the Council have clearly enough ſhewn. The late Aſſembly in their Meſſage, in anſwer to the Reſolves of that Board, allow that a Chief Juſtice may be of the Council; but ſay, the Reſolves of that Board is not of ſufficient Authority to ſhew that the Offices are not incompatible; and refer to what they had ſaid before on his having a Negative on the Bill *to prevent any Action under Fifteen Pounds being brought into the Supreme Court*, as an Argument founded in Nature. How his voting in that

that Bill (if he did vote) affects any Judgment given in a Court below by himſelf I do not ſee; nor do I well underſtand what is meant in this Place, by a negative on a Bill. By the Councils Repreſentation it appears, that the Council amended the Bill to make it the ſame as the Law then ſtood, (excepting only in the Caſe of double Coſts upon Writs of Error) and it was droped with the Aſſembly who were againſt conferring with the Council upon it. If ſo, it was themſelves that had, and gave the Negative to their own Bill, and choſe to be without it rather than agree to the Council's Amendments, or confer with them about it: But if I am rightly inform'd they chooſe to forget that the Aſſembly who paſſed that Act were ſo ſenſible that an Act of that Kind would very much impare the Perquiſites of that Office, and tended to render that Court, which is the great Guardian of the Liberties and Properties of the People, and the juſt Prerogatives of the Crown, contemptible: That they increaſed the Sallary of that Office, tho' ſoon after the Act was obtain'd they took away the Sallary added, and more; ſo that had the Chief-Juſtice negativ'd the Act, (as it doth not appear that he did) it was no more than what was reaſonably to be expected from him; or indeed from any Man, whether Councellor or Aſſembly Man, that has a true Regard for himſelf and his Country, whoſe Intereſt it is to raiſe that Court as much above Contempt, and render the Judges of it as independant (conſiſtent with the Laws) as they may: But this Negative, or Voting or whatever elſe you will pleaſe to call it, doth not ſhew any incompatibility or inconſiſtency between the Office of a Judge and that of a Councellor, or Perſon impowered to vote in the making of Laws, nor never was underſtood ſo: For, not to multiply Inſtances, ſuch of the Judges as are Peers, Vote in the Houſe of Lords; the Maſter of the Rolls in the Houſe of Commons; I my ſelf have been a Judge many Years and in the Aſſembly there; Mr. *Bonnel* has voted in Aſſembly here; and the Judges, that have been Councellors, have all voted in Council both here and in *New-York* from the firſt Settlement of the Country. And would it not ſeem ſtrange that this incompatibility or inconſiſtency ſhould never be diſcovered either in *England* or *America*, till hit upon by our late ſagacious Aſſembly, tho' founded in Nature? Our late Aſſembly in their Meſſage in Anſwer ſay, "That the Laws of the Land, and a well known Inſtruction, debars the "Judge from judging as a Councellor of Cauſes that he had determined "below, *are Things which that Houſe was not able to learn, was ſo well un-*"*derſtood before.* They might poſſibly be ignorant of an Inſtruction, tho' known to moſt other People; but is it very probable they could be ſo much Strangers to the Laws of their own Country as not to know, that by an Act of the 12th and 13th of Q. *ANNE, For preventing Corruption in the Courts of Juſtice*; which not only extends all the Laws of *England*, wherein Proviſion is made againſt the taking of Bribes, *&c.* or any Male Adminiſtrations of Judges, *&c.* but enacts, that any Judge determining a Cauſe in an inferior Court, is not to ſet in Judgment on the ſame Cauſe in a ſuperiour Court, under the Penalty of *Forty Pound.*

If the Chief Juſtice's being a Councellor was inconſiſtent with the Office of Chief-Juſtice, (as it ſeems plain from the conſtant Practice ever ſince this Province had a Being that it was not, nor ever thought to be ſo) it might no have been improper to have addreſs'd for the Removal of him from one of hem; but could be no Reaſon to deny the Support of the Government, which many Perſons will be ſufferers no Way concern'd

in making or unmaking the Chief-Juſtice, or refuſing an Aſſent to Bills whether paſſed by Council or Aſſembly, or both. As I am and ſhall be the greateſt Sufferer in this Caſe, ſo I cannot accuſe myſelf of having done any Thing that deſerv'd ſo harſh a Treatment; nor do I believe the late Aſſembly could or you can: And if it was done with an intent to compel me to paſs ſuch Bills as ſhould be paſſed by Council and Aſſembly, whether I approved of them or not, and to let me and the Government in *England* ſee, that unleſs their Governors do aſſent to ſuch Bills they will not ſupport that Government, I leave you to judge with the Coolneſs requiſite on ſuch an Occaſion, how unlikely it is that ſuch a Method of Compulſion ſhould obtain the End intended by it, or prevail upon his Majeſty to alter the Form and Conſtitution of his Government, and take from his Governor that negative Voice he is pleaſed to intruſt him with, and what effects is moſt likely to be the Conſequence of ſuch an imprudent Attempt if perſiſted in.

The publick Good is what we all ought ſincerely to endeavour, and to do every Thing in our Power conducive to it; and ſhould we differ concerning the Means of promoting it, a mutual Condeſcenſion and calm Debate, are the moſt likely Methods to prove ſucceſsful in procuring that Benefit for us, which angry and too warm Contentions will moſt certainly prevent, and render every endeavour to obtain it ineffectual,

The putting the Province into as good a Poſture of Defence as we can do is neceſſary; and the Support of the Government is a Duty which ſhould be effectually perform'd; and I hope all concern'd will think ſo, and agree in the beſt Manner of doing it.

I have ſome time ſince receiv'd from his Excellency Governor *Shirley*, the Scheme of an Expedition againſt our Enemies, which I ſhall lay before you, and if it proves ſucceſsful, will be attended with very advantageous Conſequences to all the Northern Plantations. I therefore hope that you will give all the Encouragement to it in your Power with as little loſs of Time as may be. *LEWIS MORRIS.*

The Houſe adjourn'd till 2 *P. M.*

The Houſe met.

His Excellency's Speech was read a ſecond Time, and committed to a Committee of the whole Houſe.

Ordered,

That Mr. *Speaker* do direct the Printer of the Votes of this Houſe, to print *Two Hundred* Setts of them, and ſend *One Hundred and Fifty* from time to time immediately to the Speaker, and that he keep enough Sheets to make *Fifty* compleat Setts and ſtitch them, to be ſent as the Houſe ſhall hereafter direct.

The Houſe adjourn'd till To-morrow Morning nine of the Clock.

BY Vertue of an order of the Houſe I do appoint WILLIAM BRADFORD, of Philadelphia, to print theſe Votes.

SAMUEL NEVILL, *Speaker.*

John Brick Jnr

VOTES

OF THE

General ASSEMBLY

WEDNESDAY, April 10. 1745.

The Houſe met.

MR. *Van Buſkirk* and Mr. *Doughty* returned Repreſentatives to ſit in this General Aſſembly, were qualifyed in the Houſe, the Honourable *Robert Hunter Morris*, Eſq; being preſent.

Ordered,
That Mr. *Van Buſkirk* and Mr. *Doughty* take their Seats in the Houſe.

The Houſe reſolved itſelf into a Committee of the whole Houſe to conſider His Excellency's Speech: After ſome time ſpent therein Mr Speaker reſumed the Chair, and Mr. *Cooper*, Chairman, reported, that the Committee had made ſome Progreſs in the Matter to them referred and deſired leave to ſit again; to which the Houſe agreed.

The Houſe adjourn'd till 2 *P. M.*

The Houſe met.

The Houſe reſolved itſelf into a Committee of the whole Houſe to proceed in the Conſideration of his Excellency's Speech: After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Cooper* reported, that the Committee have gone through the Matter to them referred, and have come to a Reſolution to addreſs the Governor in anſwer to his Speech; to which the Houſe agreed.

Reſolved,
That an humble Addreſs be preſented to his Excellency in anſwer to his Speech.

Ordered,

Ordered,
That Mr. *Richard Smith*, Mr. *Cook*, Mr. *Lawrence*, Mr. *Low* and Mr. *Stelle* be a Committee to prepare a Draught of ſaid Addreſs.

Ordered,
That Mr. *Eaton*, Mr. *Cooper*, Mr. *Hancock*, Mr. *Moore* and Mr. *Wright* be a Committee to prepare and bring in a Bill for ſupport of Government.

Ordered,
That Mr. *Van Buſkirk*, Mr. *Mott* and Mr. *Heard* be a Committee to prepare and bring in a Bill *for ſettling the Militia of this Colony*.

The Houſe adjourn'd till To-morrow Morning nine of the Clock.

Thurſday April 11. 1745.

The Houſe met and adjourn'd till two P. M.

The Houſe met.

Mr. *Eaton* from the Committee appointed to prepare and bring in a Bill for ſupport of Government, reported, that the Committee had prepared the ſame, and he delivered the Bill in at the Table; which was read and ordered a ſecond Reading.

Mr. *Hopkins* returned a Repreſentative for *Glouceſter*, was qualifyed in the Houſe, the Hon. *Robert Hunter Morris*, Eſq; being preſent.

Ordered,
That Mr. *Hopkins* take his Seat in the Houſe.

Mr. *Van Buſkirk*, from the Committee appointed to bring in a Bill *for ſettling the Militia*, reported, that the Committee had prepared ſaid Bill, and he delivered it in at the Table, and it was read and ordered a ſecond Reading.

The Houſe adjourn'd till to-morrow morning nine of the Clock.

Friday, April 12. 1745.

The Houſe met.

The Bill *for ſupport of Government* was read a ſecond Time and committed to a Committee of the whole Houſe.

The Bill *for better ſettling the Militia*, was read a ſecond Time, and committed to a committee of the whole Houſe,

The Houſe reſolved itſelf into a Committee of the whole Houſe to conſider the ſaid Bill *for ſettling the Militia*: After ſome time ſpent therein Mr. Speaker

ker reſumed the Chair, and Mr. *Cooper*, Chairman, reported, That the Committee had made ſome Progreſs in the Matter to them referred, and deſired leave to ſit again, to which the Houſe agreed.

The Houſe adjourn'd to 2 *P, M.*

The Houſe met.

The Houſe reſolved itſelf into a Committee of the whole Houſe to proceed on the Bill *for ſettling the Militia*: After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Cooper* reported, That the Committee had gone through the Matter to them referred, and had directed him to make report when the Houſe will pleaſe to receive it.

Ordered,

That the Report be made immediately.

Mr. *Cooper* thereupon reported, That the Committee had made ſome Amendments to the ſaid Bill; and the Amendments were read in their Places, and on the Queſtion, agreed to by the Houſe.

Then the Queſtion was put that the Bill with the Amendments be engroſſed, and it paſs'd in the Affirmative.

Ordered,

That the Bill with the Amendments be engroſſed.

The Houſe adjourn'd till to-morrow Morning nine o'Clock.

Saturday, April 13. 1745.

The Houſe met and adjourn'd till Monday Morning 9 of the Clock.

Monday, April 15. 1745.

The Houſe met.

Mr. Speaker informed the Houſe, that HisExcellency had ordered the Houſe to adjourn themſelves to Wedneſday next, and the Houſe accordingly adjourn'd till Wedneſday Morning 9 of the Clock.

Wedneſday, April 17. 1745.

The Houſe met and adjourn'd to 2 of the Clock in the Afternoon.

The Houſe met.

Mr. Speaker acquainted the Houſe that he had received from His Excel-

lency ſome Papers containing a Scheme of an Expedition againſt His Majeſty's Enemies, in order to lay them before the Houſe; which Mr. Speaker accordingly did, and the ſaid Papers were read and ordered to lie upon the Table for the Peruſal of the Members.

The Houſe adjourn'd till to-morrow Morning 9 of the Clock.

Thurſday, April 18. 1745.

The Houſe met.

Mr. *Spicer* and Mr. *Leaming*, returned Repreſentatives of *Cape-May* County, attending were called in and qualified, the Honourable *Robert Hunter Morris*, Eſq; attending the Houſe for that Purpoſe.

Ordered,

That Mr. *Leaming* and Mr. *Spicer* take their Seats in the Houſe.

Mr. *Richard Smith* from the Committee appointed to prepare a Draught of an Addreſs to His Excellency, reported that the Committe had prepared the ſame, and with leave he delivered it in at the Table, and it was read, and the further Conſideration thereof referred till the Afternoon.

The engroſſed Bill, entitled *An Act for better ſettling and regulating the Militia of this Colony of* New-Jerſey *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions*, was read the third Time and upon the Queſtion whether the Bill do paſs or not: It was carried in the Affirmative.

Reſolved,

That the ſaid Bill to paſs.

Ordered,

That Mr. *Crane* and Mr. *Spicer* do carry the ſaid Bill to the Council for their Concurrence.

The Houſe adjourn'd to 2 *P. M.*

The Houſe met.

Mr. *Crane* reported that Mr. *Spicer* and himſelf delivered the Bill *for better ſettling and regulating the Militia*, &c. to Mr. *Smith*, one of the Gentlemen of the Council, that Houſe not ſitting.

The Houſe proceeded to conſider the Draught of an Addreſs to His Excellency, and it was read Paragraph by Paragraph, and ſeveral Amendments made

made thereto, and on the Queſtion whether the Houſe agree to the Addreſs or not, it paſs'd in the Affirmative.

For the Affirmative	For the Negative.
Mr. *Eaton*,	Mr. *Stelle*,
Mr. *Lawrence*,	Mr. *Heard*,
Mr. *Crane*,	Mr. *Moores*.
Mr. *Low*,	
Mr. *Van Middleſwart*,	
Mr. *Van Buſkirk*,	
Mr. *Demareſt*,	
Mr. *Richard Smith*,	
Mr. *Cook*,	
Mr. *Wright*,	
Mr. *Cooper*,	
Mr. *Hopkins*,	
Mr. *Hancock*,	
Mr. *Brick*,	
Mr. *Leaming*,	
Mr. *Spicer*,	
Mr. *Mott*,	

Ordered,
That the Addreſs be engroſs'd.

The Houſe adjourn'd till to-morrow Morning nine of the Clock.

Friday, April 19. 1745.

The Houſe met.

The engroſſed Addreſs to his Excellency was read, and ordered to be ſigned by Mr. Speaker; and it was ſigned accordingly and is as follows, *Viz.*

To His Excellency LEWIS MORRIS, *Eſq; Captain General and Governor in Chief, in and over His Majeſty's Province of* New-Jerſey, *and Territories thereon depending in* America, *and Vice-Admiral in the ſame*, &c.

May it pleaſe your EXCELLENCY,

WE His Majeſty's dutiful and loyal Subjects, the Repreſentatives of the Colony of *New-Jerſey*, beg leave to addreſs your Excellency with that Freedom and Sincerity the Nature of this Occaſion we have of doing it requires. As this is the firſt Time of our meeting ſince our being elected to repreſent the People of this Colony in this Aſſembly, we thought our ſelves entitled to your Excellency's favourable Opinion, and that you would have ſpoke to us as to a new Aſſembly, who were not accountable for the Proceedings of the former.

And as we met ſincerely diſpoſed to avoid every Thing that had the leaſt Tendency to nouriſh or continue thoſe unhappy Controverſies that not long ſince ſubſiſted between the Branches of the Legiſlature ; ſo we entertained Hopes that the Iſſue of this Meeting would prove Beneficial to the Inhabitants of this Colony.

It would have given us the greateſt Pleaſure to have found your Excellency had, in conformity to a like pacifick Diſpoſition, avoided repeating thoſe fruitleſs Diſputes and Controverſies which ſubſiſted between the other two Branches of the Legiſlature.

We humbly conceive (tho' we don't take upon us to direct) that if what your Excellency hath ſaid on thoſe Heads had been neceſſary, it would have been more proper to have ſaid it to them concerned in tranſacting thoſe Affairs, and given them an Opportunity of anſwering for themſelves, which we are inform'd they would readily have done.

And as we cannot think our ſelves accountable for the Tranſactions of former Aſſemblies, farther than that their Proceedings are neceſſary to be vindicated for the Good of the Colony, neither can we believe that our King intended, or that our Country ever expected that we ſhould be call'd together, to enter into unneceſſary Diſputes with any other Branch of the Legiſlature.

We are ſenſible that putting this Colony into as good a Poſture of Defence as our Circumſtances will admit of, is neceſſary, and have already paſſed a Bill for that Purpoſe. This we apprehend, is one of the Bills your Excellency thinks very Neceſſary.

The Bill for making *Forty Thouſand Pounds* current in Bills of Credit, was paſſed by the laſt Aſſembly, with a Clauſe ſuſpending the Effect thereof until his Majeſty's Pleaſure ſhould be known concerning it, and was therefore but in the Nature of a Petition to the King, and could not any Ways be affected by the Bill brought into Parliament, nor any other Bill farther than his Majeſty thought fit. And as this Colony had received repeated Favours of a like Kind from his Majeſty, their Repreſentatives had therefore no Reaſon to doubt, but that had their Bill met with no greater Obſtruction from the other Branches of the Legiſlature here, than it would have met with from his Majeſty and Miniſters at home, it might have ſurmounted them all.

What your Excellency is pleaſed to obſerve relating to the Imprudence of the laſt Aſſembly, in the Opinion they gave concerning the Bill intended to be brought into Parliament, was in relation to the laſt Clauſe in that Bill, a Copy of which we find in the Hands of our Clerk, and is as followeth : " And whereas ſome of his Majeſty's ſaid Colonies or Plantations, parti- " cularly thoſe under Proprietors and Charters, have not paid a due Regard " and Obedience to his Majeſty's Royal Orders and Inſtructions, from time " to time iſſued for the better Government thereof, but have aſſumed to " themſelves an Exemption from, and Power of diſpenſing with or not " obeying the ſame, under pretence of ſuch Charters, or of his Majeſty's

" Royal

" Royal Grant to ſuch Proprietors reſpectively. WHEREFORE for the better " enforcing the due Execution of the Royal Orders and Inſtructions, through- " out all the *Britiſh* Colonies and Plantations in *America*, BE IT ENACTED " *by the Authority aforeſaid*, That all Governors, Councils and Aſſemblies, " and every of them, and all Lieutenant Governors, and other Perſon or " Perſons preſiding as Governor within any of the ſaid Colonies or Planta- " tions, as well as thoſe under Charters and Proprietors, as under his Ma- " jeſty's immediate Commiſſion and Government do, and they and every of " them are hereby enjoined and required to pay ſtrict Obedience to " ſuch Orders or Inſtructions as ſhall from time to time be tranſmitted to " them or any of them, by his Majeſty or his Succeſſors, or by or under " his or their Authority. And that all and every Acts, Orders, Votes, or " Reſolutions, which ſhall or may hereafter be paſſed or made within any of " the ſaid Colonies or Plantations, contrary to ſuch Orders or Inſtructions, " ſhall be, and are hereby declared to be " any Law, Cuſtom or Uſage to the contrary in any wiſe notwithſtanding."

We are informed by the Members that were then on that Aſſembly, that it was this Part of that Bill they gave that Opinion upon, and not that relating to a Paper Money.

It is with concern that we find the Proceedings of former Aſſemblies ſo often repeated by your Excellency ; and altho' we decline to account for every Particular of what they tranſacted, yet we cannot help remarking, the Pains your Excellency hath taken to undervalue and explode ſome of their Proceedings.

We confeſs that former Aſſemblies, as well as the preſent, have been chiefly compoſed of Farmers and Plowmen, from whom could hardly be expected ſuch courtly Addreſſes or explicit Reaſoning, as Men of a more polite Education and perhaps leſs Sincerity, might be capable of performing. But as Plainneſs and Truth are Companions, we are well content in their Company. Their Proceedings will be the beſt underſtood from their Journals; and we are willing to judge of their Conduct from thence, where we cannot be informed that any of the Aſſemblies of *New-Jerſey* were ever ſuch Ideots that could not ſee " that our Legiſlature conſiſted of Parts, that each " Part has an undoubted Right to diſſent to any Thing propoſed by the " other, if it appears unreaſonable to the Part or Perſon to whom it is pro- " pos'd; however neceſſary or convenient the Propoſer may conceive it to be, " and that without being cenſured for doing ſo, or compell'd to aſſent by any " Method but that of Reaſon and Argument." This is a Part of our Conſtitution well known and approv'd of by us, and this Method appears to have been purſued by former Aſſemblies.

We cannot yet be convinced but that an Aſſembly may complain for want of good and beneficial Laws, when they know that his Majeſty hath been graciouſly pleaſed to delegate a Power to the Governor and Council for the paſſing of ſuch, after they have ſupported the Government in a very liberal Manner for ſix Years ſucceſſively, and done every Thing as they conceiv'd neceſſary on their Part to entitle themſelves to thoſe Favours, without juſtly incurring the heavy Cenſure of an Attempt to alter the Conſtitution.

The

The Aſſemblies and People of *New-Jerſey*, have ever been well diſpoſed and zealous Defenders of the preſent Eſtabliſhment; and we flatter our ſelves that nothing can be more conſpicuous than this, from every Act and Part of their Conduct. On this Occaſion permit us to declare our ſelves well pleas'd and fully ſatisfied with our Conſtitution in all its Parts. We acknowledge King GEORGE our moſt gracious Sovereign on the Throne, the Father of his People, to whom we owe and are determined to pay all Duty and Loyalty. We have liberty by our Conſtitution to act freely and ſpeak freely, while we do it with Decency and good Manners. Theſe Bounds we cannot be convinced that the former Aſſemblies have tranſgreſſed, neither will we knowingly exceed. This valuable Privilege we eſteem ſo eſſentially neceſſary to a free Government, that the Security of Property and Freedom of Speech always go together.

We are of a Nation famed for its Liberty: With Liberty, Knowledge will encreaſe, and altho' but a ſmall Portion of it may fall to our Share, with that we are as happy as we are content, and by it we are taught that we are as fit to uſe our own Underſtandings in the conducting our human Affairs, as they are whoſe reaſoning we cannot be convinced is better than our own. The acting by our own Judgment is ſuch a valuable Part of our Liberty contained in our Conſtitution, we have juſt now tranſcribed from your Excellency's Speech, that we hope it will always be promoted and protected by you.

Notwithſtanding the Complaints made by your Excellency, reſpecting the Support of this Government, we are well informed, that all the Engagements this Colony came under, have been, in the Opinion of its Inhabitants, honourably complyed with, particularly, ſince we have had a ſeparate Governor.

The incidental Charges of this Government your Excellency is pleaſed to mention to us, have not, as we can be inform'd, at any Time been omitted; but all ſuch Charges as have come to the Knowledge of the Aſſemblies, and by them been thought reaſonable to be paid, have conſtantly been provided for under the Denomination of Contingent Charges, and included in the Acts for Support of Government. When your Excellency ſhall be pleaſed to lay the Accounts of any before this Houſe, they will always have their due Weight with us.

Why the Government hath not been ſupported for the preſent Year, your Excellency may have the beſt Information from the Gentlemen of the Council. We find that a Bill for that Purpoſe was paſſed by the laſt Houſe of Aſſembly at *Trenton*, and ſent up to that Board for Concurrence, from whence we conclude, that the Houſe of Aſſembly had no Occaſion to offer thoſe Reaſons your Excellency mentions for not ſupporting the Government; neither do we underſtand them in the ſame Light with your Excellency, to be offered directly as ſuch. Had they actually done ſo, we are perſwaded your Excellency hath known ſuch things done before that Time, without incurring the heavy Conſtruction you are pleaſed to put on it.

Some

Some of our Members have made a Calculation of what Money is now in the Treaſury, and when the publick Debts due from the Colony are paid out of it, they think it will fall far ſhort of your Excellency's Expectation. And as our Money is yearly ſinking and deſtroyed, ſo the Intereſt-Money to be paid into the Treaſury for the future, is annually growing leſs, and the Charges of the Colony encreaſing upon us without any Probability of a Supply, which Reaſons ought to have their Weight with all concern'd, and thoſe in particular that may think our Application too frugal; and they ſhould further conſider (be the Sum leſs or more) the Houſe of Aſſembly have a Voice in the Application of that Money, and that as his Majeſty hath been graciouſly pleaſed to allow them ſuch a Voice by the Act that makes it current, without doubt that it ſhould be as free to all Intents and Purpoſes as a Voice on any other Bill. And your Excellency hath told us, and we have aſſented to it, that each Part of the Legiſlature "has an undoubted "Right to diſſent to any Thing propoſed by the other, if it appears unreaſonable to the Part or Perſon to whom it is propoſed, however neceſſary "or convenient the Propoſer may conceive it to be, and that without being "cenſured for doing ſo, or compelled to aſſent by any Method but that of "Reaſon and Argument."

We ſhall do our Duty in applying ſuch Part of the Money as we judge neceſſary for the Support of the Government at this Time; and if it ſhould not be ſo Satisfactory to all concern'd in receiving it as they could deſire, we hope we ſhall eſcape their Cenſure, and others will know it to be no new Thing if we are cenſured by them; it is a Misfortune that former Aſſemblies have been oblig'd, in the Diſcharge of their Truſt, to ſubmit to. Judicious and impartial Men will conſider the Reaſons why Things are thus amongſt us, and not condemn our Conduct unheard; and when they have fully inform'd themſelves, we leave it to them to determine from which Branch of the Legiſlature the real Cauſe proceeds that conduc'd moſt to the leſſening the Support of the Government the laſt Seſſion.

As we met your Excellency at this Time determined, as in Duty to his Majeſty we are bound to ſupport his Government, ſo we entertain'd Hopes that we might at leaſt have been encouraged to proceed in preparing ſome Bills we think very neceſſary and much wanted by the People whom we repreſent. But ſince your Excellency hath been pleas'd to aſſure us that you will aſſent to none of the Bills paſſed by the Aſſembly, unleſs firſt aſſented to by the Council and you approve of them: But not even then, if you think ſuch Bill not very neceſſary, unleſs a ſufficient Proviſion be made for the Support of Government, previous to the paſſing any Bill by you; and this you have recommended to our particular Notice to govern ourſelves accordingly. It gives us ſome concern to be thus almoſt peremtorily precluded from propoſing ſuch Bills as we ſhould think very neceſſary: But we know this is a Power your Excellency can make uſe of to check our Proceedings. We ſhall therefore, according to your Preſcription, defer ſuch Bills until ſome more favourable Opportunity, when Reaſon and Argument may have a greater Influence.

We never heard of any Aſſembly in *New-Jerſey* ſo Ignorant as to deſire

their

their Governor to paſs any Bill but what had firſt been aſſented to by the Council; neither are we fond of meritting the Character of ſuch Idiots as to expect our Laws to be of any Effect without our Governors Aſſent: And whatever Knowledge we may be deſtitute of, we have learnt to expect but very little Succeſs in obtaining of Laws for the Benefit of our Conſtituents, whilſt we are aſſur'd that one of our moſt Beneficial ones (obtain'd under the Adminiſtration of Governor COSBY, and confirmed by his Majeſty) is perverted by the *Hunterdon* Juſtices with Impunity.

We are the third Aſſembly your Excellency hath met with in theſe ten Months laſt paſt, from which we have learnt rather to expect Diſſolutions than Laws. The Minutes of their ſeveral Proceedings have been made Publick, by which their Conduct hath been known both to your Excellency and to the People; and by their Choice you may be capable of forming a Judgment how well it hath been approv'd of by them. And as we are well acquainted with their Inclination, and they have repos'd a Truſt in us to act agreeable thereunto, we are therefore determined not to deceive them: And we hope that your Excellency will not take it amiſs that we are ſo.

We have agreed with your Excellency in all thoſe Part of our Conſtitution which we have had Occaſion to mention: We have agreed with you in the Method of Proceeding according to that Conſtitution; and we agree with your Excellency that the Publick Good is what we all ought ſincerely to endeavour and do every Thing in our Power conducive to it, that a mutual Condeſcention and calm Debate are the moſt likely Methods to prove ſucceſsful. And it would have given us a greater Pleaſure, could we (conſiſtent with our Judgment and Truſt) have agreed as well with your Excellency upon every Thing it concerns us to promote and proceed on.

What your Excellency has ſaid relating to the Scheme of an Expedition againſt our Enemies, is now under our Conſideration, and ſhall have it's due Weight with us.

By Order of the Houſe,

SAMUEL NEVILL, Speaker.

Ordered,
That Mr. *Cooper* and Mr. *Low* do wait on his Excellency and acquaint him, that the Houſe deſires he will pleaſe to inform them when they ſhall attend him to preſent their Addreſs.

Mr *Cooper* reported, that Mr. *Low* and himſelf waited on his Excellency with the ſaid Meſſage, in anſwer to which he was pleaſed to ſay, That he would ſignify to the Houſe by Mr. Speaker when he ſhould be ready to receive the Addreſs.

The Houſe adjourn'd till 2 *P. M.*

Mr.

The Houſe met.

Mr. Speaker acquainted the Houſe, that his Excellency had ſent for him, and deſired to have a Sight of the Addreſs intended to be preſented to his Excellency by the Houſe, and that he inform'd his Excellency that the Addreſs was ordered to be enter'd on the Minutes, and that the Houſe did not encline the Original ſhould go out of the Hands of the Speaker till it was preſented; upon which his Excellency directed him to inform the Houſe, that when he ſhould have ſeen the Minutes, he would let the Houſe know when to attend him; and that in the mean time, he recommended their Proceeding on the Publick Buſineſs.

Mr. Speaker alſo acquainted the Houſe, that his Excellency had put into his Hands, two Letters from Governor *Clinton*, to be communicated to the Houſe, and the ſaid Letters were read, and order'd a ſecond Reading.

Mr. Speaker further acquainted the Houſe, that his Excellency had deliver'd him an Account of the Incidental Charges of the Government, in Order to be laid before the Houſe, and the ſaid Account was read and ordered to lie on the Table for the puruſal of the Members.

Mr. Cook prayed leave to be abſent on extraordinary Occaſions till *Tueſday* next, which was granted:

The Houſe adjourn'd till to-morrow Morning 9 of the Clock.

Saturday, April 20th, 1745.

The Houſe met.

His Excellency's Account of incidental Charges was again read, and referred to the Committee on the Bill *for Support of Government*.

The Letters from the Governor of *New-York* to his Excellency, were read a ſecond Time, and referred to farther Conſideration.

The Houſe adjourn'd till *Monday* Morning Nine of the Clock.

BY *Virtue of an Order of the Houſe I do appoint* William Bradford *of* Philadelphia, *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*

 John Brick: Junr

VOTES

OF THE

General ASSEMBLY

MONDAY, April 22. 1745.

The Houſe met and adjourn'd till two of the Clock in the Afternoon.

The Houſe met.

Reſolved,

THAT the Houſe will to morrow Morning reſolve it ſelf into a Committee of the whole Houſe to proceed on the Bill *for Support of Government*:

And then the Houſe adjourn'd till to morrow Morning nine of the Clock.

Tueſday April 23. 1745.

The Houſe met.

The Order of the Day being read, the Houſe reſolved it ſelf into a Committee of the whole Houſe to proceed on the Bill *for Support of Government*: After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Eaton*, Chairman, reported, that the Committee had made ſome Progreſs in the Matter to them referred, and deſired leave to ſit again, to which the Houſe agreed.

The Houſe adjourn'd to 2 of the Clock in the Afternoon.

The Houſe met.

The Papers relating to the Scheme of an Expedition againſt his Majeſty's Enemies were taken into Conſideration by the Houſe, and the further Conſideration thereof referred.

And then the Houſe adjourn'd till To-morrow Morning nine of the Clock.

Wedneſday, April 24. 1745.

The Houſe met.

The Houſe reſuming the Conſideration of thePapers relating to the Scheme of an Expedition againſt his Majeſty's Enemies, ſaid Papers were read ; and it was referred to a Committee of the whole Houſe to conſider what ſhould be proper to be done therein :

And the Houſe reſolved it ſelf into a Committee of the whole Houſe to conſider thereof accordingly : After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Eaton*, Chairman, reported, that the Committee had made ſome Progreſs in the Matter to them referred, and deſired leave to ſit again ; to which the Houſe agreed.

The Houſe adjourn'd to 2 *P. M.*

The Houſe met.

The Houſe reſolved itſelf into a Committee of the whole Houſe to proceed in the further Conſideration of the Scheme of an Expedition, *&c.* After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Eaton* reported, That theCommittee had made ſome furtherProgreſs in theMatter to them referred, and deſired leave to ſit again ; to which the Houſe agreed.

The Houſe adjourn'd till to-morrow morning nine of the Clock.

Thurſday April 25. 1745.

The Houſe met and adjourn'd till two in the Afternoon

The Houſe met.

The Houſe reſolved it ſelf into aCommittee of the whole Houſe to proceed in the further Conſideration of the Scheme of an Expedition, *&c.* After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Eatton* reported, That the Committee had made ſome further Progreſs in the Matter to them referred, and deſired leave to ſit again ; to which the Houſe agreed.

Mr. *Low* prayed leave to be abſent on extraordinary Occaſions till Monday next, which was granted.

And then the Houſe adjourn'd till To-morrow Morning nine of the Clock.

Friday, April 26. 1745.

The Houſe met.

The Houſe reſolved it ſelf into a Committee of the whole Houſe to proceed

[illegible] further Conſideration of the Scheme of an Expedition againſt his Majeſty's Enemies: After ſome time ſpent therein Mr. Speaker reſumed the Chair, and Mr. *Eatton* reported, That the Committee had gone through the Matters to them referred, and had directed him to make report thereof; and with leave he delivered the Report in at the Table, and it was read and is as follows.

The Committee having conſidered the Affair of an Expedition againſt his Majeſty's Enemies, and the Scheme thereof ſent to the Houſe by His Excellency our Governor, and finding by Letters from His Excellency Governor *Shirley*, that a Naval Force were intended to be ſent before the Enemies Harbour by the Middle of laſt Month, and having ſince heard that their Sea and Land Forces on ſaid Expedition were ſail'd ſometime before the ſaid Scheme and Papers, relating thereunto, were laid before this Houſe; from whence we conclude, that were the Ability of the Inhabitants of this Colony much greater than it truly is to lend them Aſſiſtance, it is now too late to do it in their firſt attack; the Succeſs of which it is probable may be known to the Colonies from whence thoſe Forces embarked by this Time.

We are well aſſured that our Zeal for his Majeſty's Service is equal to our Neighbours; yet as we have not one Veſſel in the Service of the Colony, and not a Ship, but only a very few Brigantines or Sloops, fit for the Sea, belonging to private Owners here, and them moſtly out of Port, and not one of them in a Condition for War; it is impoſſible for us to give them any Aſſiſtance by Sea, on which his Excellency Governor *Shirley* thinks their Succeſs ſo eſſentially depends.

And as we cannot tell how the Undertaking of this Expedition without Directions from His Majeſty or His Miniſters at Home, may be approved of by them, nor whether it may not interfere with or diſconcert their Meaſures, we think it not very Prudent for this Colony to be haſty in uniting in an Enterprize very Hazardous, without being either conſulted or fully inform'd reſpecting the Probability of the Succeſs.

And as we further find by the Intelligence of Governor *Clinton*, that a Number of *French* Ships of War with Tranſports, are arriv'd at *Martineco*, from which he concludes, it is high time to look about us, to defend our ſelves or aſſiſt our Neighbours, in caſe of an Attack from them. The Committee are humbly of the Opinion, that it will be proper for the Houſe to defer the doing any thing further in this Affair at preſent. But they are nevertheleſs of the Opinion, that in caſe the ſaid Enterprize ſhould ſucceed, it would be of great Advantage to his Majeſty's Colonies in general, and thoſe concern'd in the Undertaking in particular. They therefore can at preſent only wiſh them ſucceſs; and when the Houſe ſhall receive Intelligence, either of their Conqueſt of the Place that the Forces are deſign'd againſt, or of their continuing the Siege with his Majeſty's Approbation, it may then be proper for the Houſe to reconſider the Affair, and to provide Ways and Means to aſſiſt and relieve them in ſuch a Manner as the Circumſtances of this Colony may admit of.

And

And the Queſtion being put whether the Houſe agrees to the Report of the Committee or not? It paſſed in the Affirmative

Yeas.	Nays.
Mr. *Eaton*,	Mr. *Stelle*,
Mr. *Lawrence*,	Mr. *Heard*,
Mr. *Crane*,	Mr. *Moores*.
Mr. *Van Middleſwarth*,	Mr. *Fiſher*,
Mr. *Van Buſkirk*,	Mr. *Demareſt*,
Mr. *Richard Smith*,	Mr. *Leaming*,
Mr. *Cook*,	Mr. *Spicer*,
Mr. *Wright*,	
Mr. *Cooper*,	
Mr. *Hopkins*,	
Mr. *Hancock*,	
Mr. *Brick*,	
Mr. *Mott*,	
Mr. *Doughty*.	

The Houſe adjourn'd to 2 in the Afternoon.

The Houſe met, and reſolv'd it ſelf into a Committee of the whole Houſe to proceed on the Bill *for Support of Government*. After ſome time ſpent therein Mr. Speaker reſum'd the Chair, and Mr. *Eaton* reported, that the Committee had made ſome further Progreſs in the Matter to them referred, and deſired leave to ſit again, to which the Houſe agreed.

Mr. *Wright* and Mr. *Mott* prayed leave to be abſent till *Monday* next, which was granted.

The Houſe adjourn'd till To-morrow Morning nine of the Clock.

Saturday, April 27. 1745.

The Houſe met and adjourn'd till Monday Morning 9 of the Clock.

Monday, April 29th, 1745.

The Houſe met and adjourn'd till 2 *P. M.*

The Houſe met and adjourn'd till to-morrow Morning nine o'Clock,

Tueſday, April 30. 1745.

The Houſe met.

Ordered,

That Mr. *Crane* and Mr. *Spicer* do wait on the Council and acquaint them, that this Houſe deſire to be informed what Progreſs that Houſe has made in the Bill *for the better ſettling and regulating the Militia*, ſent to them for Concurrence on the 18th Inſtant.

Mr.

Mr. *Crane* reported, that Mr. *Spicer* and himſelf waited on the Preſident of the Council with the ſaid Meſſage, the Council not ſitting, and that the Preſident informed them, that the Council had not done with the Bill *for better ſettling the Militia*, and that he would lay the Meſſage of the Houſe before the Council when they ſit.

Reſolved,

That the Houſe will this Afternoon reſolve itſelf into a Committee of the whole Houſe, to proceed on the Bill *for Support of Government*.

The Houſe adjourn'd to 2. *P. M.*

The Houſe met.

The Houſe reſolved it ſelf into a Committee of the whole Houſe, to proceed on the Bill *for Support of Government*. After ſome Time ſpent therein, Mr. Speaker reſumed the Chair, and Mr. *Eaton* Chairman, reported, that the Committee had gone through the Bill, and come to ſundry Reſolutions, which they had directed him to report when the Houſe would be pleaſed to receive the ſame.

Ordered,

That the Report be made immediately.

Mr. *Eaton* thereupon reported the Reſolutions of the Committee as followeth:

Reſolved,

That in and by the Bill, entitled, *An Act for the Support of the Government of his Majeſty's Colony of* New-Jerſey, *for one Year*, &c. when paſſed into a Law their be paid,

To his Excellency, *LEWIS MORRIS*, Eſq; or to the Governor or Commander in Chief for the time being, the Sum of *Five Hunared Pounds*. And on the Queſtion, whether the Houſe agreed thereto or not? It paſſed in the Affirmative.

Yeas.	Nays.
Mr. *Eaton*,	Mr. *Stelle*,
Mr. *Lawrence*,	Mr. *Heard*,
Mr. *Crane*,	Mr. *Moores*,
Mr. *Low*,	Mr. *Fiſher*,
Mr. *VanMiddleſwarth*,	Who all voted for £.1000.
Mr. *Van Buſkirk*,	
Mr. *Demareſt*,	
Mr. *Richard Smith*	
Mr. *Cook*,	
Mr. *Wright*,	
Mr. *Cooper*,	
Mr. *Hopkins*,	
Mr. *Hancock*,	
Mr. *Brick*,	
Mr. *Leaming*,	
Mr. *Spicer*,	
Mr. *Mott*.	
Mr. *Doughty*.	

To the Chief Juſtice for the time being, for holding the Supreme Courts at *Perth-Amboy* and *Burlington*, *Fifty Pounds*. And on the Queſtion, whether the Houſe agreed thereto or not? It paſſed in the Affirmative.

Yeas.	Nays.	
Mr. *Eaton*,	Mr. *Steele*,	£. 150
Mr. *Lawrence*,	M. *Heard*	100
Mr. *Low*,	Mr. *Moores*,	100
Mr. *Vanmiddleſwarth*,	Mr. *Crane*,	100
Mr. *Van Buſkirk*,	Mr. *Fiſher*,	100
Mr. *Demareſt*,	Mr. *Hancock*,	100
Mr. *Richard Smith*,	Mr. *Brick*,	100
Mr. *Cook*,	M. *Leaming*,	100
Mr. *Wright*,	Mr. *Spicer*,	100
Mr. *Cooper*,		
Mr. *Hopkins*,		
Mr. *Mott*,		
Mr. *Doughty*.		

To the ſecond and third Judges for the time being the Sum of *Twenty Five Pounds* each; to which the Houſe agreed.

To the Attorney General for the time being, the Sum of *Thirty Pounds*; to which the Houſe agreed.

To each of the Treaſurers for the time being, the Sum of *Forty Pounds*; to which the Houſe agreed.

To the Clerk of the Council for the time being, the Sum of *Thirty Pounds*; to which the Houſe agreed.

To *Richard Partridge*, Eſq; Agent of this Colony, or to the Agent for the time being, the Sum of *Eighty Pounds*, to which the Houſe agreed.

To the Clerk of the Circuits for the time being, *Twenty Pounds*; to which the Houſe agreed.

To the Door-Keeper of the Council for the time being, *Ten Pounds*; to which the Houſe agreed.

Mr. *Eaton* further reported, that the Committee had come to ſundry Reſolutions concerning the contingent Charges of the Government as follows:

Reſolved,

That in and by the ſaid Act there be paid to his ſaid Excellency, or to the Governor or Commander in Chief for the time being, the Sum of *Sixty Pounds* for Houſe Rent, for the ſaid one Year; to which the Houſe agreed.

To the Chief Juſtice, or other Judge in his Abſence, for holding the Circuit Courts, and Courts of *Oyer* and *Terminer*, for each Time he ſhall hold the ſaid Courts, the Sum of *Ten Pounds*; to which the Houſe agreed.

To each of the Council for each Day that each of them have attended at the late Sittings of the General Aſſembly heretofore unprovided for by Law, or have attended or ſhall attend at this or any other Sitting of the General Aſſembly during the ſaid one Year, the Sum of *Six Shillings per Diem*; and on the Queſtion it paſſed in the Affirmative.

To each of the Members of the Houſe of Repreſentatives for their Attendance at the late Sittings of the General Aſſembly, not already provided for by Law, and at this or any other Sitting during the ſaid one Year, *Six Shillings per Diem*; and on the Queſtion whether the Houſe agreed thereto or not, it paſſed in the Affirmative.

Yeas

Yeas.	Nays.
Mr. *Stelle*,	Mr. *Heard*,
Mr. *Moores*,	Mr. *Eaton*,
Mr. *Crane*,	Mr. *Lawrence*,
Mr. *Low*,	Mr. *Wright*,
Mr. *VanMiddleſwarth*,	Mr. *Hancock*,
Mr. *Fiſher*,	Mr. *Mott*.
Mr. *Vanbuſkirk*,	
Mr. *Demareſt*,	
Mr. *Richard Smith*,	
Mr. *Cook*,	
Mr. *Cooper*,	
Mr. *Hopkins*,	
Mr. *Brick*,	
Mr. *Leaming*,	
Mr. *Spicer*,	
Mr. *Doughty*.	

To the Clerk of the Houſe of Repreſentatives, *Eight Shillings per Diem*, for the time he hath attended at the late Sittings of the General Aſſembly heretofore unprovided for by Law; or ha h attended or ſhall attend at this or any other Sitting during ſaid one Year. Alſo the Sum of *Twelve Pounds*, for entring the Minutes of this ſaid late Sittings, fair in the Book, copying the Laws and Minutes for the Printer, Pen, Ink and Paper.

To the Serjeant at Arms for the Time being, for his Attendance on the Houſe of Repreſentatives in Manner aforeſaid, *Three Shillings per Diem*.

To the Serjeant at Arms for the time being, for his Attendance on the Council in manner aforeſaid, *Three Shillings per Diem*.

To the Door Keeper of the Houſe of Repreſentatives for his Attendance in Manner aforeſaid, *Three* Shillings *per Diem*. Alſo to *William Petty* Door-Keeper at laſt Sitting, *Thirty* Shillings for Fire-Wood and Candles, for the Uſe of the Houſe ſaid laſt Sitting.

To *John Reading*, to pay for the Uſe of a Room, fire Wood and Candle for the Council during their ſaid late Sittings, and this Sitting, *Fifteen* Shillings per Week.

To the Perſon who was Clerk of the Circuits in the Year ended the *Twenty Third* of *September* laſt, for his Sallary voted but omitted to be applyed in the laſt Act *for Support of Government*, the Sum of *Twenty Pounds*.

To *Andrew Johnſton*, Eſq; his Account for remitting the Agents Sallary, *&c.* to the *Twenty Third* of *September* laſt, the Sum of *Eleven* Pounds *Eighteen* Shillings, and *Six-Pence*.

To *Richard Smith*, jun. Eſq; for the Uſe of *Richard Partridge*, Eſq; Agent of this Colony, for his Account of Diſburſments to the 12th of *October* laſt, *One Hundred and fifty Pounds ſeventeen Shillings and eight Pence three Farthings*, Money aforeſaid.

To his Excellency LEWIS MORRIS, Eſq; part of his Account of Incidents, *to wit*, for Caſh paid *James Home*, Eſq; for an Expreſs to *Philadelphia* with the Declaration of the War, and Expences in apprehending the Counterfeiters of *York* Bills, the ſum of *four Pounds ſeventeen Shillings*.

To *William Bradford* of *Philadelphia*, or any other Printer hereafter appointed for printing the Minutes of the late and preſent Houſe of Repreſentatives; and to *Benjamin Franklin*, or to any other Printer hereafter appoint-

ed

ed, for printing the Laws of this Colony, ſuch Sums as *Richard Smith*, jun. *Joſeph Cooper* and *Daniel Smith*, Eſqrs; or any two of them ſhall agree for.

To which ſeveral Reſolutions the Houſe agreed.

Ordered,

That the ſaid Bill be engroſſed.

The Houſe adjourn'd till to-morrow Morning 9 of the Clock.

Wedneſday, May 1. 1745.

The Houſe met.

The engroſſed Bill, entitled *An Act for the Support of the Government of his Majeſty's Colony of* New-Jerſey, *for one Year to commence the* Twenty Third *Day of* September, One Thouſand Seven Hundred *and* Forty Four; *and to end the* Twenty Third *of* September, One Thouſand Seven Hundred *and* Forty Five; was read the third Time, and on the Queſtion whether the Bill do Paſs or not, it was carried in the Affirmative.

Yeas.	Nays.
Mr. *Eaton*,	Mr. *Stelle*,
Mr. *Lawrence*,	Mr. *Heard*,
Mr. *Crane*,	Mr. *Moores*,
Mr. *Low*,	Mr. *Fiſher*.
Mr. *Van Middleſworth*,	
Mr. *Van Buſkirk*.	
Mr. *Dimarr* [illegible],	
Mr. *R. Smith*,	
Mr. *Cook*,	
Mr. *Wright*,	
Mr. *Cooper*,	
Mr. *Hopkins*,	
Mr. *Hancock*,	
Mr. *Brick*,	
Mr. *Leaming*,	
Mr. *Spicer*,	
Mr. *Mott*,	
Mr. *Doughty*.	

Reſolved,

That the ſaid Bill do paſs.

Ordered,

That Mr. *Cooper* and Mr. *Low* do carry the ſaid Bill to the Council for their Concurrence.

Mr. *Cooper* reported, that Mr. *Low* and himſelf according to order delivered the ſaid Bill to the Speaker in Council.

The Houſe adjourn'd till 2 *P. M.*

The Houſe met and adjourn'd till to-morrow Morning nine of the Clock.

BY *Virtue of an Order of the Houſe I do appoint* William Bradford *of* Philadelphia, *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*

VOTES

OF THE

General ASSEMBLY

THURSDAY May 2, 1745.

The House met.

A MESSAGE from his Excellency by Mr. Secretary *Read*, Mr. *Speaker*,

" I am commanded by his Excellency to acquaint this House, " that he is in the Council Chamber, ready to receive their Address."

Mr. Speaker left the Chair and with the House went to attend his Excellency.

Note, *The House attended his Excellency and presented their Address: And His Excellency was pleased to make an Answer to the same, of which he promised the House a Copy; and then prorogued the* General Assembly *till Tuesday next,*

Tuesday, May 7. 1745.

Pursuant to his Excellency's Prorogation of the General Assembly to this Day, Mr. Speaker and the House met and adjourn'd till to-morrow Morning nine of the Clock.

Wednesday, May 8. 1745.

The House met, and adjourn'd till to-morrow morning nine of the Clock.

Thursday May 9. 1745.

The House met and adjourn'd till to-morrow morning nine of the Clock.

Friday May 10, 1745.

The Houſe met and adjourn'd till to-morrow Morning nine o'Clock.

Saturday, May 11. 1745.

The Houſe met and adjourn'd till Monday Morning 9 of the Clock.

Monday, May 13, 1745.

The Houſe met.

Mr. Speaker acquainted the Houſe that he had obtain'd a Copy of his Excellency's Anſwer to their Addreſs, which they preſented before the Prorogation on Thurſday the 2d. Inſtant.

Ordered,

That the ſame be entred into the Journal of the Houſe, and it is as followeth, *Viz.*

Mr. Speaker, and Gentlemen of the Aſſembly,

I Believe it was with concern that you heard ſo large mention made of the Proceedings of the late Aſſembly, and though you decline to account for every particular of their Conduct, no part of which I think, can with any Shew of Reaſon be juſtified, either by Plowmen and Farmers, (as you are pleaſed to call yourſelves) or by Men of ſuperior Talents than what generally are poſſeſſed by Plowmen; and I hope the Concern you had at the mentioning of what you all know to be true, will prevail upon you to uſe a different Conduct from that ſo juſtly blameable in them. This will be much for your Reputation, and likely to be productive of the publick Good, if you come ſincerely diſpoſed to avoid every thing that hath the leaſt Tendency to nouriſh or continue thoſe Controverſies that imprudently and unprovoked by me, was raiſed and induſtriouſly promoted by your Predeceſſors in the late Aſſembly.

You ſay their Proceedings will be beſt underſtood from their Journals, and that you are willing to judge of their Conduct from thence. I join with you, that their Proceedings are beſt known from their Journals, and that both you and all that know what they were, can beſt judge from thence of them: And by theſe it will appear that the late Aſſembly did addreſs and promiſe, as I have ſet forth in my Speech to them, that they did petition to be adjourn'd to *Burlington*, that this Petition was granted, that they did eſteem, or ſaid they eſteemed, the granting of that Petition as a Favour; and it will appear by thoſe Journals what return they made for that Favour, and how punctually they complied with the Engagements and Promiſes they made in their Addreſs to me: It will appear by thoſe Journals, that unprovoked by me (I having ſaid nothing to them on any head before the Time of their Diſſolution) they declined ſupporting the Government in the uſual Manner, and propoſed the allowing only of leſs than half of what had been uſually done, which they knew the Council could not agree to without rendring the Government contemptible, and therefore would

not ;

not: It will appear by thoſe Journals, that the Reaſons given by the Committee, and approv'd of by the Houſe, for doing this, was, That I had formerly refuſed my aſſent to ſome Bills paſſed by both Council and Aſſembly; that the Aſſembly before that had grievouſly complained of it, and propoſed the paſſing of THEIR Bills previous to the GRANTING (as they call it) any Support for the Government. It will appear by the Journals, of that grievouſly complaining or propoſing (or rather threatning) Aſſembly, (tho' the late Aſſembly did not think it proper to take any notice of it) that in anſwer to what they call a Propoſal, I ſaid to them much the ſame in Subſtance with what I have ſaid to you, *viz.* "That his Majeſty, by his "Letters Pattent under the great Seal, had been graciouſly pleaſed to intruſt "me with the Government of this Province, and by theſe to appoint me "one of the Branches of the Legiſlature here; and as ſuch, where I had "the Power of Aſſenting, or denying my aſſent to Bills, *I was and ought* "to be as free as any other Part of the Legiſlature, and to be governed by "my own Reaſon, and not by that of any other Perſon or Perſons whatſoever; and when a Bill was offered for my aſſent, that I conceived my "ſelf impowered (conſiſtent with my Truſt) to aſſent unto, and that *I* "*judged beneficial* for the publick, I ſhould readily aſſent to ſuch Bill, whether they paſſed a Bill to ſupport the Government or did not paſs it; that "on the contrary, if my Aſſent was deſired to a Bill that *I conceiv'd* inconſiſtent with my Truſt to aſſent unto, or *prejudicial* to the Publick, I "ſhould think it my Duty to deny my aſſent to it, tho' they would paſs, "or had paſſed a Bill to ſupport the Government in the moſt ample manner." It will appear from the Journals of that Time, that I had paſſed all, or the greateſt Part of the Acts ſent up by that propoſing, threatning Aſſembly; and that notwithſtanding I had done every thing in my Power, (as I told them in my Letter to them) to prevent Diſſatisfaction and Diſcontent in any Part of the Legiſlature, to the End that the then Seſſions of Aſſembly might end to the general Satisfaction of all concerned, and prove a good Foundation for the future Tranquility of the Province, which I was not without hopes that it would do: Yet ſome were not wanting in that Houſe who ſtrenuouſly endeavoured to embarraſs the Publick Affairs, and to raiſe and foment Differences purely for the ſake of quarrelling, and that could have no Tendency to promote the Publick Good, but on the contrary to raiſe Differences and Diſputes. They finding that one of the Circuit-Courts had not been held in *Monmouth*, they influenced that Aſſembly to aſſign the Reaſon of that Neglect to the chief Juſtice's being a Member of the Council, and another Judge's being a Member of their Houſe, who, they ſay, could not attend to hold that Court, without a breach of the Truſt repoſed in them as Members of the Legiſlature; with a View, (as may be gathered from what was ſaid by the late Aſſembly, by way of anſwer to the Council's Reſolves) to ſhew the Inconſiſtency of Judges being in Council or Aſſembly, from a Reaſon founded in Nature; and tho' they well knew that there was another Judge that could, and ſhould have attended that Service, yet they did not think it proper to ſay any thing to, or of him who had neglected to attend, but proceed to puniſh the Chief Juſtice, by taking from that Officer *One Hundred Pounds* of his yearly Salary, tho' *Fifty Pounds* of this had been given him in Conſideration that the Act for bidding Cauſes under *Fifteen Pounds* to be brought in the Supreme

Court

Court, would be an abating of the Proffits of that Office, equal (at leaſt) to the *Fifty Pounds* ſo given.

It will appear alſo by the Journals of that Houſe and Time, that after I had granted them almoſt every Thing they had deſired, and in particular paſſed an Act *for aſſertaining the Fees of the ſeveral Officers* &c. but (as agreed) with a ſuſpending Clauſe, that neither that Act, nor any Part of it ſhould be in Force till his Majeſty's Pleaſure was known, that they were diſſatisfied with the paſſing this Act with this ſuſpending Clauſe, tho' they had agreed to paſs it in that Manner; and accordingly they proceeded to Vote and give their Opinion, that as it had the Approbation of the three Branches of the Legiſlature here, it ought to be taken as a Rule by the Judges, and all concerned, to govern themſelves by, until his Majeſty's Pleaſure ſhould be known concerning the ſame; and this they did notwithſtanding they all well knew that it had the Approbation of the Legiſlature here, only on Condition that neither the Act, nor any Part of it, ſhould be in Force, or taken by the Judges, or any body elſe, as a Rule to govern themſelves by, before his Majeſty had ſignified his Pleaſure concerning it: And notwithſtanding they had given this Opinion, and ordered the Act to be printed as a Rule for the Government of the People, before his Majeſty had aſſented to it, and before it was, or could be tranſmitted to his Majeſty, in order to know his Pleaſure concerning it; and notwithſtanding they had publickly own'd that the Act was not in Force till the King's Pleaſure was known concerning it, yet upon my propoſing ſome Queſtions to the Houſe, which in theſe Journals referred to are Publick, concerning an Opinion and Order ſo contrary to that Law, ſo concerning which this Opinion was given and Order made, ſo unwarrantable in itſelf, and ſo contrary to the known Conſtitution of this Government: Yet, I ſay, upon my propoſing theſe Queſtions, two of which were, *viz. Queſt.* 7. "By what Authority do you "order an Act *not in force* to be printed as a Rule for the Government "of the People? or indeed any Act? *Queſt.* 8. If you have or pretend "to have any ſuch Authority, let me know from whence you derive it, "and how you came by it, that His Majeſty may be informed of it?" To theſe I required a direct and categorical Anſwer, as I ought to have done in that Caſe from Men who had aſſumed to themſelves an Authority they were no ways entitled to: Yet that Houſe did not think fit at all to recede from this unwarrantable Authority they had aſſumed to themſelves; or to make Anſwer to any of the Queſtions, otherwiſe than by ſaying, *1ſt.* "That "they had not *aſſumed* to themſelves *an unwarantable Authority.* *2d.* That "they did not think themſelves *accountable* for that Opinion: And *3d.* That "it was not conſiſtent with the Honour and Dignity of that Houſe, and "the Truſt repoſed in them, to give any other Anſwer to the ſaid Queries." This was an avowing that they claimed ſuch an Authority, and deemed themſelves not accountable to any Body for the Uſe of it. This Claim was ſet up at a Time when an End was ſeemingly put to all former Differences. It appears to be the ſole Act of that propoſing Aſſembly, and a Claim ſet up by them to ſet aſide an Act of the Legiſlature here, ſolely by the Authority of the loweſt Branch of it; a Claim in its own Nature extravagant and contradictory, made at a Time when all Things were tending to Peace, and productive of all the Differences that have ſince happened.

If

If a Bill, with a Clauſe ſuſpending the Effect of it till his Majeſty approves of it, be as you ſay in the Nature of a Petition, can it be lawful or fit to do that which you had Petitioned for leave to do before the Petition was granted, and leave had been granted to do what you petitioned for? If it can, what ſignifies a ſuſpending Clauſe in any Bill? or in that for the making of *Forty Thouſand Pounds* Current? 'Tis but the Aſſembly's ſaying, after ſuch a Bill is paſſed, that it is paſſed by all the Branches of the Legiſlature here, and there being no Act but that to make a Paper Currency at preſent, it ought to be taken as a Rule to govern the People till, &c. and accordingly order the Paper Bills to be ſigned and printed: Doth not the Abſurdity of ſuch a Proceeding appear at firſt Sight? And yet it appears by theſe Journals you refer to, that the late Aſſembly not only approved of the Conduct of this propoſing Aſſembly, but ordered this ſame Bill to be printed for the Reaſons given by that Aſſembly, and printed it in their Votes accordingly: And when I was expecting (according to their Promiſes) a Support for the Government to be agreed on, they, inſtead of complying with their Engagements, had recourſe to Proceedings long ſince paſſed, and mention my refuſing Aſſent to ſome Bills paſſed by both Aſſembly and Council: mention what they call a Propoſal by that Aſſembly of paſſing their Bills previous to the GRANTING any Support for the Government, which was claiming a Right to have the Bills they ſent up, paſſed Antecedent to their raiſing a Support; and a Threat not to Support the Government unleſs they were ſo; which Threat the late Aſſembly put into Execution, not only becauſe I had formerly refuſed Bills paſſed by Council and Aſſembly, but that ſince that, *viz.* During that Seſſion, ways has been THOUGHT of to Influence the Majority of the Council to reject the Bills propoſed by the Aſſembly; as if the Councils rejecting of Bills propoſed by the Aſſembly, or the Governor, or any Body elſe's thinking of Ways to Influence them to do it, was Reaſon ſufficient for that Aſſembly to deny the uſual Support: Yet theſe are the Reaſons that Aſſembly gave (with ſome others I mentioned to you equally Cogent) to juſtify their Conduct in this particular, and by their printed Votes appeal to the Populace to judge of them, endeavouring to make them believe that both myſelf and the Council are obliged to paſs ſuch Bills as the Aſſembly ſend up. This, as it was ſetting up a Claim to what they had no Right to, and as future Aſſemblies might inſiſt on it as well as the laſt had done, by mentioning what they call a propoſal of a former, I thought fit to tell you what I had told Aſſemblies before, and what you all know to be true, *viz.* That neither the Council, or I, are obliged to paſs any Bills but thoſe we think proper ſhould be paſſed, and if you really come ſo well diſpoſed as you ſay you do, I hope nothing will be attempted but what will be thought proper by each Branch of the Legiſlature to be aſſented to. As it happened, the Bills refuſed to be paſſed the laſt Seſſions were ſuch as never came to me to be paſſed or refuſed; and however eſſentially Neceſſary you conceived them to be, the Council, who had an equal Right to judge with yourſelves, did not think them to be ſo, but refuſed to aſſent to them; for which they have given their Reaſons: And it appears from the Journals you refer to, that the Aſſembly declin'd agreeing to the Support of the Government, but in ſuch a Manner as they knew could not be aſſented to, becauſe the Council (not I) had refuſed to aſſent to their favourite Bill to make *Forty Thouſand Pounds* Current in Bills of Credit; and if ſuch

a Bill, with a ſuſpending Clauſe, be in the Nature of a Petition as you ſay it is, then if a Petition, it could only be a Petition of the Parties that made it, and until it became a Bill paſſed by the whole Legiſlature, it could not be their Petition; and that when ſent up by the Aſſembly to the Council, could in its Nature be no more than the Propoſal of the Aſſembly to the Council to join with them in making ſuch a Petition, as they had propoſed in the Form ſent up; and in ſuch caſe the Council might neither approve of the Nature of the Petition, nor the Form in which it was conceived, and were not compellable to join in it, but choſe to let it remain as it was, *viz.* only the Propoſal of the Aſſembly: So if the Council had agreed both in the Matter and Form, and had joined with the Aſſembly to make ſuch a Petition as that Houſe had propoſed, and had ſent it to the Governor for his Approbation, he alſo might neither approve of the Matter or Form of the Petition, and for that Reaſon might refuſe to join in it, and chuſe to let it remain what it only was, a Propoſal of the Aſſembly and Council to make ſuch a Petition; and had it come that length as to be propoſed by both Council and Aſſembly, the Governor neither was compellable, nor ought to be compelled, to join in making a Petition he did not approve of; much leſs ought he and the Officers of the Government to ſuffer, becauſe the COUNCIL would not join in making a Petition they did not approve of: Whatever were the Motives that induced them not to join in it, and however ſanguine your Hopes might be of obtaining that Favour you petitioned for, of making *Forty Thouſand Pounds* in Bills of Credit, I believe all indifferent Men (not under the Influence of ſuch ſtrong Deſires as you were) will agree with me, that it was very imprudent to aſk it at a Time when a Bill was bringing into Parliament againſt the doing of things of that kind.

If Words have any Meaning, the Opinion given by the late Aſſembly concerning the Bill intended to be brought into Parliament, was given with relation to the whole Bill, and not with reſpect to any particular Clauſe of it; for they ſay, that if the ſaid BILL, or any BILL of that Tendency ſhould paſs into a Law, it would not only be an Encroachment, *&c.* but alſo deſtructive of the Liberties and Properties of his Majeſty's Subjects; and not that if the ſaid CLAUSE, or any Clauſe of that Tendency ſhould become Part of a Law, it would be an Encroachment, *&c.* So that it appears by the Journals of the late Aſſembly, it was the Bill containing that Clauſe and ſeveral others that was ſaid to be an Encroachment, *&c.*

It is true, that twelve of the Members of the preſent Houſe, which makes one half of the Houſe, are the ſame Men that were Members of the late Houſe who joined in giving that Opinion, and muſt beſt know what they intended by it; and ſince they ſay it was with relation to that particular Clauſe ſet forth at large in their Addreſs juſt now made to me, that they gave that Opinion; I will ſuppoſe it to be ſo, and then it will be, that if the ſaid Clauſe, or any Clauſe of that Tendency, ſhould paſs into a Law, it would not only be an Encroachment, *&c.* but deſtructive of the Liberties and Properties of his Majeſty's Subjects, *&c.* but this does not one jot mend the Matter, but rather make it worſe; for whether it be with relation to the Bill, or that particular part of it, that the Opinion was given, an ENCROACHMENT is ſtill an Encroachment. However hard or reſtrictive of the Liberties they had formerly taken, ſuch a Clauſe if paſſed into a Law, might

might be deemed to be, yet a *Britiſh* Parliament, if they judged that any Liberties we took or us'd were prejudicial to the *Britiſh* Nation, they might reſtrain us in the Uſe of them without being ſaid to encroach, or that by making ſuch an Act they would deſtroy our Properties; and what ever freedom we have of ſpeaking, I cannot ſtill help thinking, that what was ſaid on this Head in the manner it was, had been much better let alone.

You are not ſingular in your Diſlike of that Clauſe; and if I am rightly informed, many of the Inhabitants of other Places beſides *New-Jerſey* are apprehenſive of the Conſequences of it; becauſe Laws hereafter to be paſſed, if paſſed contrary to Inſtructions given, are to be (I will ſuppoſe) void at leaſt; or (it may be that beſides that) a Penalty laid upon the Governors for paſſing of them; for there is a Blank left for that, and not any thing expreſs'd concerning it.

Here it is the Shoe pinches; here lies the Danger; at preſent if a Governor paſſes a Law, tho' contrary to his Inſtructions, it is a Law, and will be in force: And if for making a Paper Currency, tho' without a ſuſpending Clauſe, it will not be very practicable to repeal it, as it may not be to repeal ſeveral others, that a Governor can paſs if he will venture to act contrary to the Truſt repoſed in him: And Aſſemblies have not been ſo unacquainted with the weak Side of human Nature, as not to induce Governors to do what they ſhould not do, by denying to ſupport the Government, or by giving large Sums as a Reward for imaginary Services: And Governors, who are made of the ſame Materials that other Men are, have not been unſuſceptible of Impreſſions made that way, and thought it more eligible to run the hazard of breaking their Inſtructions, than of ſtarving by a cloſe Adherance to them. But if a Law ſhould paſs, that any Law paſſed by a Governor contrary to his Inſtructions, ſhould be void, and a Penalty laid upon Governors and Aſſemblies that paſſed ſuch Law, (as ſome thing like this ſeems by this Clauſe to be intended in this particular of making a Paper Currency) then all theſe Methods of procuring the Aſſent of Governors to what they were forbid to aſſent unto, will be at an End in the particular Caſe mentioned and intended by this Bill: And how proper it will be for Governors or Aſſemblies to appear againſt a Bill ſeemingly made to oblige Governors to obey their Maſters Orders, you Gentlemen can eaſily determine. But that they are, or ſhould be ſo obliged, this and this only is the grand Grievance: This is called Governing by Inſtructions and not by Laws; this is ſaid to make Governors arbitrary; and what not? If this be ſo, the Conduct of Aſſemblies I fear, has not contributed a little to it. But how does it appear that it is ſo? One would think that any Law to reſtrain Governors from acting contrary to their Maſters Orders, was not the moſt likely way to make them arbitrary, but to prevent them from being ſo; as reſtraining them from taking Liberties they might otherwiſe be prevailed on to do; and this Clauſe in particular appears to me to be made to reſtrain, or rather to prevent, Governors from aſſenting to any Act to make Paper Bills current, contrary to his Majeſty's Inſtructions in that particular Caſe. That this is ſo, appears to me plain from the Bill it ſelf: I ſhall therefore ſay a little to it, and if I happen to be miſtaken in my Sentiments concerning it, I ſhall, when I am convinced that they are erroneous, very gladly alter my Opinion. And *Firſt*, it appears

pears from the Preamble of the Bill, that the Reaſons aſſigned for making of it was, That the iſſuing of Paper Bills of Credit by virtue of Acts, Orders, *&c.* had been a great Diſcouragement to the Commerce of *England* by occaſioning Confuſion in Dealings and leſſening of Credit, *&c.*

2*d.* That for *remedying* the Inconveniencies which have ariſen from the INDIRECT Practices of iſſuing ſuch Paper Bills of Credit, his Majeſty had been graciouſly pleaſed by his Royal Orders and Inſtructions, to require and command the reſpective Governors in *America*, not to give aſſent or paſs any Act, whereby Bills of Credit may be iſſued in lieu of Money, without a Clauſe ſuſpending their Effect until the ſaid Act ſhall be approved of by his Majeſty.

3*d.* That notwithſtanding SUCH his Majeſty's royal Orders and Inſtructions, *&c. ſuch* indirect Practices of creating, iſſuing and emitting *ſuch* Paper Bills of Credit, are ſtill carried on to the great Prejudice of the Trade of his Majeſty's Subjects.

Wherefore, for the providing a more effectual Remedy than the King's Inſtructions had prov'd for preventing the ſaid Inconveniencies, that is, the making of Bills of Credit that ſhould occaſion confuſion in Dealings, *&c.* and making of them by Acts contrary to his Majeſty's Inſtructions, without a ſuſpending Clauſe, as it is ſaid had been done.

It is propoſed to be Enacted, That it ſhall not be lawful for any Governor to aſſent to any Act whereby Paper Bills of Credit ſhall be made, or whereby the Time limitted for the ſinking of them ſhall be protracted.

2*d.* That all Bills of Credit now ſubſiſting, ſhall be ſunk and deſtroyed, according to the Tenor of the Acts, *&c.* that made them.

3*d.* It is provided and declared, that nothing in that Act ſhall extend, or be conſtrued to extend, to reſtrain his Majeſty or his Succeſſors, from impowering his Governors to aſſent to any Acts of Aſſembly for creating of Paper Bills of Credit, in lieu of, and for ſecuring ſuch Sums of Money as ſhall be deemed requiſite for the current Year, ſo as at the Time of making of them, ſufficient Funds be provided for the ſinking of them in a reaſonable Time.

4*th.* It is alſo provided, that nothing in the Act ſhall be conſtrued to reſtrain his Majeſty from impowering the Governors to aſſent to Acts of Aſſembly, to create and make Bills of Credit for ſecuring ſuch Sums of Money as ſhall be borrowed or taken up upon any ſudden or extraordinary Emergency of Government, and for the *immediate* Support and Defence thereof, ſo as due care be taken to aſcertain the Value of the principal Sum borrowed, and to provide a ſufficient Fund for the ſinking and diſcharging Principal and Intereſt.

5*th.* It is Enacted, That no Bills made ſince, or which ſhall be made by virtue of his Majeſty's Inſtructions, ſhall be deemed or taken as a legal Tender for the Payment of any private Debt.

6*th.* It

6th. It is provided that nothing in the Act contained ſhall be taken to make any Paper Bills iſſued before to be a legal Tender in payment of any private Debt in any of the Colonies.

7th. And becauſe ſeveral Paper Bills are now ſubſiſting upon Loans, whereby Private Perſons and their Eſtates ſtand bound for the Payment; and in Caſe any Difficulty or Obſtructions ſhould ariſe in the Payment thereof, ſuch Bills cannot be ſunk: It is therefore, enacted, That ſuch Bills ſhall be ſunk and diſcharged agreeable to the Tenor of the Acts or Orders that made them.

8th. It is enacted, That all Borrowers, of theſe Bills ſhall by all due and legal Means be compelled to pay them; and in Caſe of Deficiency or Loſs, that Loſs to be made up by in the ſeveral Colonies where ſuch Deficiency ſhall happen.

This is the Subſtance of the enacting Clauſes in that Bill with Relation to the firſt Part of the Preamble, in none of which there is one Word of any Thing mentioned in the 2d and 3d. Part of the Preamble relating to the paſſing of Bills contrary to thoſe Inſtructions given by his Majeſty, for remidying the Inconveniencies which have ariſen from the indirect Practices of creating ſuch Bills, by which his Majeſty had required and commanded his Governors not to aſſent to any Act whereby Bills of Credit may be iſſued in liue of Money, without a Clauſe being incerted in ſuch Act declaring the ſame ſhall not take Effect untill the ſaid Act ſhall be approved of by his Majeſty; and that notwithſtanding ſuch Orders, and for want of a due Compliance with, and obſervance of them, ſuch indirect Practices were ſtill carried on in ſome of the Plantations. This is the Matter complain'd of; and for providing a more effectual Remedy for this than his Majeſty's Royal Inſtructions had proved; this Clauſe complained of is made, and ſets forth in the beginning of it, that there had not been a due Regard and Obedience paid to his Majeſty's Orders and Inſtructions from Time to Time iſſued, &c. which muſt mean ſuch Orders, &c. as was mentioned in the Preamble not to be complyed with; and which are ſolely relating to Paper Bills of Credit; and THEREFORE to prevent the like indirect Practices for the Future, as were complained of, the Clauſe firſt injoyns that a ſtrict Obedience ſhall be paid to *ſuch* Orders and Inſtructions as ſhall be ſent by his Majeſty, or his Succeſſors; and in Caſe they ſhould be diſregarded, as they had been before, Enacts, That *every Act, Order, Vote, &c. made contrary to ſuch Inſtructions, ſhall be* which I will ſuppoſe Void at leaſt. By this it ſeems to me very plain, that this Clauſe complained of is a relative Clauſe, relating to the Preamble, ſetting forth the Cauſes why the Act was made; and to prevent the Miſchief there complained of, *Viz.* The paſſing of Acts to make Paper Bills of Credit without incerting a Clauſe in ſuch Acts that they ſhall not be of Force till his Majeſty approves of them, which had been done, and was ſtill practiſed, as the Preamble ſays, in ſome of the Colonies. If this be the Nature of the Clauſe, as it ſeems evident to me that it is, then the Opinion of the late Houſe was, and yours is, that if the Clauſe you ſet forth, or any Clauſe of that Nature, ſhould paſs into a Law, whereby Governors ſhould be prohibited to paſs any Act for making of Bills of Credit, without

incerting the ſuſpending Clauſe above-mentioned, ſuch Law would not only be an Encroachment upon the fundamental Conſtitutions, &c. but deſtructive of the Liberties of the People: This needs no comment.

But, ſay many, this Clauſe is no relative Clauſe to any Thing before going, but an abſolute Clauſe introduc'd with a Preamble, ſetting forth the Reaſon of making it, *viz. That a due Regard had not been paid to his Majeſty's Orders and Inſtructions from time to time iſſued for the better Government of the Plantations, and enacting, injoyning, and requiring a ſtrict Obedience to be paid to ſuch Orders and Inſtructions as ſhall from time to time be tranſmitted by his Majeſty or his Succeſſors, and declaring that all Laws made contrary to ſuch Orders and Inſtructions, ſhall be* I will, as before, ſuppoſe void. This, ſay they, is governing according to Inſtructions, and not by Laws; and tho' the Clauſe, as it ſtands, may be underſtood and conſtrued to mean and relate to the making of Paper Bills of Credit, yet it may mean ſomething more, *viz.* Such other Orders and Inſtructions (be what they will) as ſhall from Time to Time be tranſmitted; and any Law paſſed contrary to theſe is declared to be void.

Tho' ſaying in the Preamble of the Clauſe, that a due Regard had not been paid to his Majeſty's Orders, &c. muſt relate to ſome Orders to which a due Regard had not been paid, and what theſe were, are ſet forth in the Preamble of the Bill to which it evidently relates; yet for once let us ſuppoſe it abſolute, and intire, and a Clauſe independant on any other Part of the Bill; or if dependant, that it means any other or different Orders and Inſtructions than thoſe relating to Paper Bills of Credit, which the Governors are required to pay an Obedience to, and declares *any Act made contrary to them to be void.* And let us enquire, whether ſuch a Clauſe, if paſſed into a Law, can be an Encroachment upon any fundamental Conſtitutions of any Colony, or any Conceſſions granted by his Majeſty's Royal Anceſtors to this or any other Colony, or deſtructive of the Liberties of his Majeſty's Subjects.

Had there been no Inſtruction or Order reſtraining the Governors, they might aſſent to any Law propos'd to them, or they might refuſe their Aſſent as they judged fit: When a Governor has the King's Orders not to paſs Laws of a particular Kind, or not without incerting Clauſes in them not to take Effect till his Majeſty approves of them, it is ſo far a reſtraining of the Power of a Governor; and can not the King legally do this? If he can, as I believe few will adventure to ſay he cannot, then a Governor in paſſing any Law that he is forbidden to paſs, or without incerting ſuch Clauſes, does what he ought not to do, nor had any Power to do, but was commanded not to do; if the King had a legal Power to command, which I preſume no Body can make a Doubt of: And has the King's Royal Anceſtors diveſted, or could they, by any Fundamental or other Conceſſions or Conſtitutions, diveſt themſelves of the Power of denying their Aſſent to ſuch Laws made in the Plantations, as they did not approve of? or of commanding their Governors not to paſs ſuch, or not to paſs them but on certain Conditions directed to be incerted? And ſhould this Clauſe be paſſed into a Law, would it be deſtructive of any Liberties but thoſe which Governors had been prevailed on to take in paſſing ſuch Laws as they were commanded not to paſs?

This

This Clauſe relates to the Governor's paſſing or giving his aſſent to Laws; not what Laws he ſhould aſſent to, but what Laws he ſhould not aſſent to, *viz.* ſuch as he was forbidden to aſſent to; ſets forth that Governors had aſſented to ſuch as they were forbidden to aſſent to; and to prevent their doing ſo for the future, declares, that if they aſſent to Laws which they are commanded not to aſſent to ſuch Laws as ſhall be void, or perhaps penal to all concerned in the paſſing of them; and here lies the Grievance.

The Kings of *England* from times immemorial, by virtue of a Power inherent in their royal Perſons, have refuſed their Aſſent to Laws in *England*; and have they leſs Power in the Plantation? If they could refuſe their Aſſent to Laws, it ſeems to me, that they could legally command their Subſtitutes to refuſe their Aſſent to ſuch Laws as their Maſters judged not fit or inconvenient to be paſſed; and that their Subſtitutes were in Duty bound to obey theſe Commands, and acted illegally and contrary to their Duty in diſobeying: And that this Clauſe if paſſed into an Act, would be declarative of what the Law and Reaſon was, antecedent to the making of it; and I believe it will puzzle all concerned, in giving the Opinion I am ſpeaking of, to ſhew what fundamental Conſtitution or Conceſſion ſuch a Law would encroach upon; or what Liberty it would be deſtructive of, unleſs it be that which Governors have been too often compelled to take, in diſpenſing with their Maſter's Commands rather than ſtarve: And tho' the Complaint ſeems to be, becauſe a Reſtraint is put upon Governors, which in this Caſe they do not approve of; yet Aſſemblies have ſhewn they are not unwilling that Governors ſhould be reſtrained, provided they do it themſelves.

I doubt not but you are of Opinion that the Government has been very honourably ſupported, and perhaps would be ſo for time to come, tho' it ſhould be reduced to leſs than the Half of what it has been; but your Opinion cannot alter the Nature of things, and make that honourable and ſufficient, which in ſelf is not ſo, whatever Opinion you have, or ſay you have concerning it.

You have undoubtedly, as you ſay, a Voice in the Diſpoſition of the Publick Money, and can, if you think fit, refuſe your Aſſent; but you ſhould not refuſe your Aſſent to what is reaſonable and fit, becauſe you can do it; that would not be acting reaſonably, but otherwiſe.

The Money in the Treaſury, or that may come in from the Loans of the Bills of Credit, may poſſibly prove much leſs than it is ſuppoſed to be, tho' I hope and believe it will not; yet that doth not appear to be a Reaſon ſufficient for leſſening the Support of the Government, but rather the Contrary; for if it was when there comes to be no Bills of Credit, there ought to be no Support: The ſupporting the Government over them is a Duty encumbant on every Community, and would be ſo upon this, tho' no Bills of Credit had a Being; and it cannot, I think with truth be ſaid, that this Colony is unable to do it in a larger manner than it has hitherto been done, even if they had no Bills of Credit; much more ſo, when his Majeſty has been graciouſly pleaſed to conſent to the making of

ſuch

ſuch Bills for the better enabling them to do it; and which, if they refuſe to do, will not be a grateful Return for the favour received.

When the Parts of the Legiſlature happen to differ and diſagree amongſt themſelves, the People are generally ſufferers, and may complain of the want of ſome Laws, that with a better agreement among them might be obtained: But an Aſſembly, which is one Part of the Legiſlature, complaining for want of good Laws, is rather Clamour or murmer than Complaint. The ſuppoſed Complaint of an Aſſembly in this Caſe muſt be againſt one or both the other Parts of the Legiſlature, for refuſing their aſſent to ſuch Laws as the Aſſembly calls good and beneficial, which either of the other Parts have a right to do; and however good and beneficial you may eſteem the Laws you propoſe to be, either of the other Parts, who have as much a right to think as an Aſſembly, and an equal Power in the making of Laws, may conceive the Laws ſo propoſed neither good nor beneficial; and ſuch as they think not to be ſo, they ought not to aſſent to. The appealing to the Populace in this Caſe, is generally attended with Conſequences dangerous to the publick Peace, and not very ſafe to thoſe concerned in the doing of it.

The Fact in this Caſe is, the Aſſembly paſſed a Bill for making current *Forty Thouſand Pounds* in Bills of Credit, and a few other Bills, all which they call good and beneficial.

The Council eſteemed none of theſe Bills either good or beneficial, eſpecially that for making *Forty Thouſand Pounds* in Bills of Credit, and therefore refuſed their Aſſent to them, which they might do; and gave their Reaſons why they refuſed their Aſſent to them, which they were not obliged to do. The Aſſembly in a Pet leſſen the uſual Support of the Government to a Sum they knew the Council would (or rather could) not conſent to; becauſe ways had been THOUGHT of to influence a Majority of the Council to reject their Bills, and ſo the Government remained unſupported. This is, in *Engliſh*, neither more nor leſs, than that they denyed to ſupport the Government becauſe the Council would not aſſent to their Bills: And the Votes of that Houſe publiſhed to the World, give me and the World as full Information why the Government has not been ſupported for the preſent Year, as the Council, who you ſay can beſt inform me, can give: And if it ſhould be admitted (as it is not) that the Aſſembly had no Occaſion to give any Reaſons for their Conduct in this Caſe; yet having once given them, whether offered directly or indirectly, it appears what they were, and why the Government has not been ſupported this preſent Year, and ſtill remains without Support, *viz.* becauſe the Council refuſed to aſſent to the Bills ſent up by the Aſſembly.

If the Aſſembly have ſupported the Government liberally, as you ſay, for ſix Years, or any Number of Years, they would be entitled to all the Favour I could do; and the greateſt and moſt beneficial, both for them and the Publick, that I can do, is, to warn them when they exceed the Bounds of their Authority, or attempt things inconſiſtent with my Truſt to admit of: As I believe you well know I can, from their Journals, give more Inſtances than one, beſides that of the Fee Bill, have been attempted

tempted : But I cannot take from the Council the Power they have of refuſing their Aſſent to Bills they do not like ; nor do I believe your denying the Support of Government will compell them to part with it ; or can, or ought to compel me to aſſent to any Bill I do not approve of.

It doth not appear to me, that the Aſſembly (meaning the Houſe of Repreſentatives) have ſupported the Government in a liberal Manner, or in any manner. You are fond indeed of ſaying, that you GRANT a Support, and uſing Words of that Purport on the Occaſion ; but you all know *that* Money is applyed long ſince to the Support of the Government, not out of any Money given or granted by you, but out of Money, at your earneſt Requeſt, granted *to* you ; and would not be unjuſt to call in, and take from you, when you refuſe to apply a ſufficient Quantity of it to the Support of the Government, which is the very Uſe it was given for and applyed to : And you have no more Power of granting it than any other Branch of the Legiſlature, or denying any Amendment to the Sum you judge proper to apply to that Uſe, under the Pretence of its being a Money Bill ; it being no Money given by you, but ſuch Quantities of it yearly to be applied to the Support of Government, as the Governor, Council and Aſſembly ſhould agree on ; and either of them can be ſaid to grant the Support with as much Propriety of Speech as you ; and neither of them ſingly can be ſaid to grant it, or ought to pretend that they do.

I muſt refer to your cooler Conſideration, whether what you have ſaid with reſpect to the *Hunterdon* Juſtices, was not ſaid rather with an Intent to irritate than to convince or prove of any Advantage to your ſelves, or thoſe you repreſent. I had ſpoke to the late Aſſembly very largely on that Head, and need not now repeat. You cannot but know, that you are no Court of Law, and not being ſo, have no right to determine whether what has been done by the *Hunterdon* Juſtices is contrary to Law or not. To thoſe that think themſelves agriev'd, the Law is open, to try how far that will Juſtify their Pretences ; as it is to you, if you think fit to proſecute any Juſtices upon that Score. This is all I need to ſay on that Head.

Thoſe Laws which Aſſemblies have conceived to be benefical to the Publick, others, who know the Publick as well as they, and had an equal right with them to judge, have ſaid are not beneficial, but otherwiſe. If you are the third Aſſembly I have met with, you cannot well be unacquainted with their Conduct ; and well know, that part of it which rendred the obtaining of fit Laws in great Meaſure impracticable, and Diſſolutions neceſſary ; and if you truly ſtudy the Publick Benefit and Peace, you will avoid giving any Occaſions for them. I can form ſome Judgment from the Choice of the preſent Aſſemblymen ; but it is not, that the Conduct of the laſt was approved by the People ; on the contrary, I am told, it was diſapprov'd of, and that their not ſupporting of the Government was much blam'd ; that they inſtructed their Repreſentatives, eſpecially in the *Eaſtern* Diviſion, not to quarrel with the Governor, with whom they had no reaſon to differ but to ſupport the Government in a handſome Manner ; and that upon their Promiſes to do that they were choſen, which otherwiſe I am told ſome of them could not have been.

Upon the whole, Gentlemen, if your Conduct at this Meeting ſhews that you come together with ſuch Diſpoſitions as you ſay you do, it will

greatly contribute to the publick Benefit and Happineſs, of which we ſhall be all partakers. I ſhall, on my Part, do all in my Power to promote the Publick Utility, and aſſent to ſuch Laws, as, conſiſtent with the Truſt repoſed in me, I can aſſent unto, that I think conducive to the general Advantage; and hope in this our Day, we may all ſincerely follow the things that make for Peace, before they be hid from your Eyes. The doing ſo is the moſt likely Method to enable us to know what truly is for the Publick Good, and to act accordingly; to which I heartily recommend you.

LEWIS MORRIS.

And then the Houſe adjourn'd 'till To-morrow Morning Nine of the Clock.

Tueſday, May 14th, 1745.

The Houſe met and adjourn'd till To-morrow Morning 9 of the Clock.

Wedneſday, May 15th, 1745.

The Houſe met and adjourn'd till to-morrow Morning nine o'Clock,

Thurſday, May 16th, 1745.

The Houſe met.

The Minutes of the Houſe ſince the Prorogation, were reviſed and corrected by Order of the Houſe.

The Houſe adjourn'd 'till To-morrow Morning 9 of the Clock.

Friday, May 17th, 1745.

The Houſe met and adjourn'd 'till To-morrow morning 9 of the Clock.

Saturday, May 18th, 1745.

The Houſe met.

Ordered,

That Mr. *Mott*, and Mr. *Fiſher* do wait upon his Excellency at *Trenton* or elſewhere within this Colony, and acquaint him, that purſuant to his Excellency's Prorogation, the Houſe met and adjourn'd from day to day till Monday laſt, at which time a ſufficient Number of the Members to proceed upon Buſineſs were met: That the Houſe hath by daily Adjournments waited ever ſince that time for his Excellency's Attendance on this Seſſion: That they had in the late Convention proceeded in and gone through what Publick Buſineſs they had any Encouragement from his Excellency's Speech to do, which, by his Excellency's Prorogation is made void; and that they now deſire to be inform'd whether his Excellency hath any thing further to recommend to the Houſe or not. That if he hath not, (as the Houſe is unconvinced of any Part of their Conduct being ſuch as to juſtly deſerve the Treatment they meet with) he would be pleaſed to diſmiſs them.

The Houſe adjourn'd 'till *Monday* Morning 9 of the Clock.

BY *Virtue of an Order of the Houſe, I do appoint* William Bradford *of* Philadelphia, *to print theſe Votes.* SAMUEL NEVILL, *Speaker.*

VOTES

OF THE

General ASSEMBLY

Monday, May 20, 1745.

THE Houſe met, and adjourn'd till to-morrow morning nine of the Clock.

Tueſday, May 21. 1745.

The Houſe met and adjourn'd 'till To-morrow morning 9 of the Clock.

Wedneſday, May 22. 1745.

The Houſe adjourn'd to 2. *P. M.*

The Houſe met.

Mr. *Mott* reported, that Mr. *Fiſher* and himſelf waited on his Excellency at *Kingſbury* with the Meſſage of the Houſe; in anſwer to which he was pleaſed to ſay, that he expected the Houſe would have proceeded upon the Publick Buſineſs from what he had recommended to them in his Speech at the laſt Sitting, and from a Letter he had ſent to the Speaker.

The Houſe adjourn'd till to-morrow morning nine of the Clock.

Thurſday May 23. 1745.

The Houſe met.

A Meſſage from his Excellency by Mr. Secretary *Read.*

Mr. SPEAKER,

" I am commanded by his Excellency to acquaint this Houſe, that he " has prepared an Anſwer to your laſt Meſſage, and that he requires your " Attendance at his Lodging to receive the ſame."

Mr. *Speaker* left the Chair, and with the Houſe went to attend his Excellency, and being returned Mr. Speaker reſumed the Chair, and reported, that the Houſe had attended his Excellency, and that he was pleaſed to make an Anſwer to the Meſſage of the Houſe of *Saturday* laſt, delivered by Mr. *Mott* and Mr. *Fiſher*, of which Anſwer Mr. Speaker ſaid he had obtained a Copy.

And the ſaid Anſwer was read and ordered a ſecond Reading.

The Houſe adjourn'd to 2 *P. M.*

The Houſe met and adjourn'd till to-morrow morning nine of the Clock

Friday, May 24th, 1745.

The Houſe met.

His Excellency's Anſwer to the Meſſage of the Houſe was read a ſecond Time, and is as follows, *viz.*

Mr. Speaker and Gentlemen of the Houſe of Repreſentatives,

I Received by Mr. *Mott* and Mr. *Fiſher*, two of the Members of your Houſe, on *May* the 20th, a Meſſage which they were commanded to deliver to me at *Trenton*, or elſewhere within this Colony, to acquaint me, that purſuant to my Prorogation of them, they had met and adjourned from Day to Day till *Monday* laſt, at which Time a Number ſufficient to proceed upon Buſineſs were met, and had, by daily Adjournments, waited ſince that Time for my ATTENDANCE. That they had, in what they are pleaſed to call the late CONVENTION, gone through what Publick Buſineſs they had any Encouragement from my Speech to do, which by the Prorogation was made void; and now deſire to be informed, whether I had any thing FARTHER to recommend to the Houſe or not? If I had not, they deſire I would diſmiſs them, they being not convinced that any Part of their Conduct juſtly deſerved the Treatment they met with.

What you meant, or mean, by this extraordinary important Meſſage, to be delivered to me where the Meſſengers could find me, is what I do not know; or what the Treatment you have met with is, that has given you ſo much Diſſatisfaction as to deſire to be diſmiſſed. If I had nothing FARTHER to recommend to you, which I ſuppoſe means, nothing farther than what I had recommended before in my Speech to you, which you ſay you had gone through as much of, as I had given you encouragement to do.

If

If the Proroguing be the Treatment you mean, I have a right to do that, and am not accountable to you for the doing of it: That gave you an Opportunity of rectifying Miſtakes in your Conduct, if any had been; which I hope you will do.

As for my not ATTENDING in Perſon, it was from *Monday* the 13th (to which Day your Houſe was adjourn'd) 'till *Saturday* the 18th, when you ſent this Meſſage: The *Thurſday*, *Friday* and *Saturday* were Days of ſuch Weather, that I could not, without great Danger of my Health, and relapſing into my late Illneſs, travel in; but if they had not, there did not appear to me any Reaſon or Neceſſity for the doing of it: For, as your Speaker informed me, there was a Majority of the Houſe met (which is always ſufficient to do Buſineſs) early enough in the Week before the *Monday* you mention; and for Reaſons beſt known to themſelves declined entring upon any Buſineſs: Upon which I wrote to the Speaker, and recommended to them the entring upon Buſineſs. This Letter, it ſeems, the Speaker did not communicate to them as a Houſe, which was the Intent of my writing of it, but had ſhewn it to the Members, and they were not unacquainted with it, as your Meſſengers owned; and to which Letter (to be entred on the Journals of your Houſe) I refer; ſo that I expected they would have proceeded upon Buſineſs, my Preſence not being neceſſary to enable them to do ſo; and I was much ſurprized to find by your Meſſage, that nothing in all that Time had been done, but adjourning from Day to Day, and which on your Part, as you repreſented the Electors, and were intruſted for their Benefit and the Publick Good, might have been done, as much as you could do without this great Loſs of Time, whether I was preſent or not, or whether I had recommended them or not.

By the Prorogation, all Bills not perfected into Acts, fall, and are not done, and with reſpect to them all things remain in the Sate they were before they were begun; and what was recommended by me, or your Country to be done, are ſtill in the ſame State as they were, *viz.* recommended to be done. It appears, by your adjourning after the Prorogation by ſo ſmall a Number as you did, that you did not judge every Thing void that was done before the Prorogation. Your Rules were as much Rules as they could be, and what I recommended to be done, is, until it be done, as much recommended to be done, which needs not be repeated, and which, I hope, you will do without further Loſs of Time.

Upon the whole, I have nothing farther to recommend to you to do, than what I have already done. If you think any Bill neceſſary or beneficial for the Publick, I hope ſuch Care will be taken by you and the Council, in forming them, that I may think them ſo too, and then they ſhall not want my aſſent to them.

LEWIS MORRIS.

A Motion was made, and the Queſtion put, that his Excellency's Letter to Mr. Speaker, referred to in the aforeſaid Anſwer, be entred in the Minutes of the Houſe, and it paſſed in the Affirmative.

Yeas.

Yeas.	Yeas.	Nays.
Mr. *Moores*,	Mr. *Cook*,	Mr. *Stelle*,
Mr. *Lawrence*,	Mr. *Wright*,	Mr. *Heard*,
Mr. *Crane*,	Mr. *Hopkins*,	
Mr. *Low*,	Mr. *Hancock*,	
Mr. *Van Middleſworth*,	Mr. *Brick*,	
Mr. *Fiſher*,	Mr. *Leaming*,	
Mr. *Vanbuſkirk*,	Mr. *Spicer*,	
Mr. *Demareſt*,	Mr. *Mott*,	
Mr. *Richard Smith*,	Mr. *Doughty*.	
Mr. *D. Smith*,		

Then the ſaid Letter was read, and is as followeth:

To the Honourable SAMUEL NEVILL, *Eſq; Speaker of the Houſe of Repreſentatives of the Province of* New-Jerſey. *Theſe.*

Mr. SPEAKER, *AMBOY, May 11th*, 1745.

YESTERDAY was brought to me the Printed Votes of your Houſe 'till *Saturday April* 20th, incluſive, and in them I find printed the Addreſs you made to me on *Friday* the third Day of *May*, thirteen Days afterwards, which I returned an Anſwer to immediately, after it was ſpoken to me.

It apperrs by your Journals of the 19th of *April*, that your Houſe, by a Meſſage to me, deſired to know when I would receive that Addreſs; and that I told the Meſſengers, that I would ſignify to the Houſe by their Speaker, when I would receive it; and you ſometime afterwards informing me, that the intended Addreſs was entred on your Minutes, I directed you to inform the Houſe, that when I had ſeen thoſe Minutes, I would let the Houſe know when I would receive it; which you did accordingly.

I told you at the ſame Time, that the Reaſon of my delaying to receive it was, becauſe I intended to prepare an Anſwer to it, and deliver it at the ſame time that I receiv'd their Addreſs, that they might be printed together.

It will appear by your Minutes, and you know, that neither the Houſe nor you knew when I would receive it, until the Day I did receive it, and return an Anſwer to it: Yet this Addreſs was printed and made publick long before it was delivered.

I believe you will not find any where, no not even in the Journals of your Houſe, a Precedent of printing an intended Addreſs to any body before it was delivered.------It will appear by your Journals, that on the ſecond Day of *May* your Houſe was informed by the Secretary, that I was in the Council-Chamber ready to receive this Addreſs; and that the Speaker left the Chair, and with the Houſe went to attend me; but it doth not apper by your Journals of that Day, that you made any Addreſs at that Time; nor is there any notice take of my Anſwer, in this the only proper Place to have

have incerted by your Addreſs and the Reply to it; both being then made before you were prorogued.——I find by your Journals of *May* the 7th, that you met at the Time you were prorogued to; and not then having a Number to proceed upon Buſineſs, adjourn'd till the 8th, and ſo on from day to day, 'till this Day: But you, Mr. Speaker, informed me, that you have a Majority of the Houſe preſent; and I am ſurprized that you do not proceed to Buſineſs when you may. This Delay is at a great Expence to the Publick; and I cannot conceive the Reaſon of it.——There doth, I think, appear by your Journal, that not leſs than ſixteen of your Members ſhall act: Tho' you may agree amongſt your ſelves that a leſs Number than a Majority may adjourn and receive Petitions, as, I am told, is the common Practice in *England*. Yet I much queſtion, whether it is legal to agree that a Majority of the whole Number choſen ſhall not act when preſent; and cannot conceive how ſuch an Agreement can be binding. When your Houſe conſiders the Nature of the Thing, I doubt not they will be capable of forming a right Judgment concerning it. I muſt therefore recommend it to them to proceed upon the Buſineſs they were called together for, with as little Delay as poſſible: Long Sittings of Aſſembly being very expenſive to the Publick, and in my Opinion not ſo advantageous to the Repreſentatives of the People and others concerned, as ſome may imagine.

I am SIR,

Your very humble Servant,

LEWIS MORRIS.

And the ſaid Anſwer and Letter were referred to further Conſideration.

The Houſe adjourn'd till 2 *P. M.*

The Houſe met.

A Meſſage from his Excellency by Mr. Secretary *Read.*

Mr. SPEAKER,

"I AM ordered by his Excellency to lay before your Houſe ſome important Diſpatches he has this Morning receiv'd from Governor SHIRLEY at *Boſton*, and from Commodore WARREN at *Cape Breton*, which he recommends to your Conſideration."

And the ſaid Diſpatches were read, containing an Account of the Proceedings of the Forces employ'd in the Expedition againſt *Cape Breton*, whereby it appears, that the ſaid Forces are now beſieging of *Louiſburg* with the Approbation of his Majeſty, and that a Supply of Men and Proviſions are deſired from the ſeveral Colonies; whereupon the Houſe unanimouſly *Reſolved*, That there be a Bill prepared for applying immediately the Sum of *Two Thouſand Pounds* of the Intereſt Money now in the Treaſury for his Majeſty's Service, to be tranſmitted to his Excellency Governor SHIRLEY in Proviſions, for the Uſe of his Majeſty's Subject now at *Cape Breton*.

Ordered,

Ordered,
That Mr. *Eatton*, Mr. *Lawrence*, Mr. *Low*, Mr. *Spicer*, and Mr. *Heard*, be a Committee to prepare and bring in a Bill accordingly.

The Houſe adjourn'd till Nine o'Clock to-morrow Morning.

Saturday, May 25th, 1745.

The Houſe met.

Mr. *Eaton*, from the Committee appointed to bring in a Bill *for applying Two Thouſand Pounds of Intereſt Money now in the Treaſury for his Majeſty's Service*, reported, That the Committee had prepared the ſaid Bill, and delivered the ſame in at the Table, and it was read, and ordered a ſecond Reading on Monday next.

A Meſſage from his Excellency by Mr. Secretary *Read*.

Mr. SPEAKER.

" I am ordered by the Governor to let the Houſe know, that he is in-
" form'd that the *Poſt-Rider* takes the Liberty to paſs by the City of *Am-*
" *boy*, a Poſt Town by Act of Parliament, and to leave his Letters at
" *Woodbridge*. The Poſt neglecting to ſtop at *Amboy*, the uſual Place
" where the Governor expected he would have come, occaſion'd the Go-
" vernor's miſſing this Opportunity of anſwering the Letters he received from
" Governor *Shirley*, and Commodore *Warren*, and giving the ſpeedy In-
" telligence of the Reſolutions of your Houſe. His neglecting to ſtop at
" the Places appointed by Act of Parliament, is a Liberty he ought not
" to take, and being done when the Aſſembly is ſitting, and the Gover-
" nor upon the Spot, may prove of ill and dangerous Conſequence; and
" the Governor thinks it neceſſary that you prepare an Act to make ſuch
" neglect penal to the Rider, that ſuch Practice may be prevented for the
" future."

And the ſaid Meſſage was refered to further Conſideration.

The Houſe adjourn'd till *Monday* two of the Clock in the Afternoon.

Monday May 27, 1745.

The Houſe met.

The Bill for applying two Thouſands Pounds of Intereſt Money now in the Treaſury for his Majeſty's Service, was read a ſecond Time, and committed to a Committee of the whole Houſe.

The Houſe reſolved it ſelf into a Committee of the whole Houſe to conſider the ſaid Bill: After ſome time ſpent therein Mr. *Speaker* reſumed the Chair, and Mr. *Eatton*, Chairman, reported, that the Committee had gone through the Bill, and made ſome Amendments thereto; and the ſaid

Amendments

Amendments were read in their Places and agreed to by the Houſe, and ſome other Amendments were made in the Houſe.

Ordered,
That the Bill with the Amendments be engroſſed.

The Houſe adjourn'd 'till To-morrow Morning 9 of the Clock.

Tueſday, May 28, 1745.

The Houſe met.

The engroſſed Bill, entitled, *An Act for applying two Thouſand Pounds of the Intereſt Money now in the Treaſury (ariſing from the Loans of the Bills of Credit) for his Majeſty Service*, was read and compared ; and on the Queſtion.

Reſolved,
That the ſaid Bill do paſs.

Ordered,
That Mr. *Eatton*, and Mr. *Heard*, do carry the ſaid Bill to the Council for their Concurrence.

Mr. *Eatton*, reported, that Mr. *Heard* and himſelf, waited on Mr. *Reading*, one of the Gentlemen of the Council, and deſired to be informed, if there was a Council in Town, who anſwered, not that he knew of ; and that thereupon they delivered the ſaid Bill to Mr. *Reading*.

The Houſe adjourn'd till 2 P. M.

The Houſe met.

The Houſe reſuming the Conſideration of the Governor's Meſſage on *Saturday* laſt,

Reſolved,
That it is the Opinion of this Houſe, that the Poſt-rider, between *New-York* and *Philadelphia*, neglecting to call at *Perth-Amboy* and *Burlington* (two Poſt Towns eſtabliſh'd by an Act of Parliament, paſſed in the Ninth Year of the late Queen *ANNE*, entitled *An Act for eſtabliſhing a General* Poſt Office *for all her Majeſty's Dominions*, &c.) is not only a high Contempt of the ſaid Act of Parliament, but may be of dangerous Conſequence to his Majeſty's Service ; more eſpecially in Time of War, and at a Time when the General Aſſembly of this Colony is ſetting, and a manifeſt Prejudice to the Publick in General, as well as to the Inhabitants of this Colony in particular.

Reſolved,
That if the ſaid Poſt-rider, ſhall for the future neglect his Duty, in calling at the ſaid Poſt Towns of *Perth-Amboy* and *Burlington*, (as he is directed by the

the ſaid Act of Parliament to do) this Houſe will conſider of a ſome proper Methods to oblige him to a more ſtrict Obſervance of his Duty in that particular.

Ordered,
That the Clerk do ſend a Copy of his Excellency's ſaid Meſſage, and the above reſolves thereupon, to *Benjamin Franklin*, Poſt-Maſter at *Philadelphia*.

The Houſe reſumed the Conſideration of his Excellency's Anſwer to the Meſſage, of the Houſe of the 18th Inſtant, and of the Letter referred to in the ſaid Anſwer, and they were read.

Then a Motion was made, and the Queſtion put, that the following Meſſage be ſent to his Excellency thereupon, and it paſs'd in the Affirmative.

Yeas.	Yeas.	Nays.
Mr. *Moores*,	Mr. *R. Smith*,	Mr. *Stelle*,
Mr. *Eatton*,	Mr. *D. Smith*,	Mr. *Heard*,
Mr. *Lawrence*,	Mr. *Wright*,	
Mr. *Crane*,	Mr. *Hopkins*,	
Mr. *Low*,	Mr. *Hancock*,	
Mr. *Van Middleſworth*,	Mr. *Brick*,	
Mr. *Fiſher*,	Mr. *Leaming*,	
Mr. *Van Buſkirk*,	Mr. *Mott*.	

Ordered,
That Mr. *Fiſher* and Mr. *Leaming* do wait on his Excellency and acquaint him, that the Houſe deſires he will be pleaſed to excuſe them from making a Reply to his Excellency's Anſwer to the Addreſs of this Houſe, for the following Reaſons:

1ſt. That the Example (were it to be drawn into Practice) of entring at the opening of a new Seſſion, upon the Buſineſs of a former Seſſion, or Convention, farther than is abſolutely neceſſary, muſt (in the Nature of Things) tend to Confuſion, and retarding the immediate Buſineſs of the Seſſion.

2*dly*. That it would give two much Countenance to a Controverſy with his Excellency, and draw the Houſe into tedious and expenſive Reply's and Rejoynders.

3*dly*. That as the Anſwer it ſelf is made Publick, it will ſhew the People of this, and the *Neighbouring* Colonies, his Excellency's reaſoning and Approbation of the Bill propoſed to be brought into Parliament; a Bill, that this and (we are informed) the *Neighbouring* Colonies, had inſtructed their Agents at the Court of *Great Britain*, in the ſtrongeſt Terms to oppoſe, as what would (if paſſed into a Law in the Manner it was penn'd) *be deſtructive of their Rights and Liberties*, and they by peruſing that Part of that Bill, printed in the Addreſs, may ſatisfy themſelves reſpecting the Foundation on which that reaſoning is ſupported: This, and what His Excellency is pleaſed to ſay concerning the Inhabitants of this Colony, not ſupporting the Government at all, the beſt Services he could do them in return, if

they

they had done ſo, the Juſtice it would be to take the Money they have to Support Government from them, if they refuſe to apply it ſo liberally as his Excellency or the Council ſhall think fit: Theſe may, and we think, will convince every reaſonable Man, that nothing this Houſe could ſay, to a Gentleman of his Excellency's Diſpoſition to, and Talents for Argument, would avail any Thing with him: And for the People, the recommending it to them, with the Uſe of their common Underſtandings, will excuſe us from making any farther Reply to it.

And laſtly, That as Example is more prevalent than Precept, the Houſe would have eſteemed it as a particular Favour, to have had ſo ſhining an Example as his Excellency's would have been, in that moſt agreeable Propoſition of *regarding the Things that belong to our Peace, before they are hid from our Eyes:* This neceſſary Principle, Experience hath taught them, is practicable, and therefore they omit to reply.

That they alſo acquaint his Excellency, that as ſoon as the Houſe knew His Excellency's Letter of the 11th Inſtant to their Speaker, was intended to be communicated to the Houſe, and entred on their Journals, they ordered it to be entered accordingly.

That altho' the Houſe are inclined to avoid remarking on many Things contained in his Excellency's Letter, and Anſwers to the Houſe, that might lead into Controverſy; yet they cannot well omit obſerving, that by the ſaid Letter his Excellency expected the Houſe to have entered the Delivery of their Addreſs, and the Anſwer made thereunto by his Excellency, on their Journals; at a Time when his Excellency muſt know, that immediately after theſe Things were tranſacted, and before they left the Council Chamber he prorogued them; and thereby diſabled them from ordering either that or any Thing elſe on their Minutes at that Time. And (if his Excellency will be pleaſed to recollect) that he told Mr. Speaker at the ſame Time, that he had no Copy of what he had then ſaid to them, that he would order one to be drawn and ſent to the Houſe: Mr. Speaker, on the thirteenth Inſtant, two Days after the Date of ſaid Letter, communicated it to the Houſe. From all which, the Houſe cannot but with concern obſerve too ready a Diſpoſition in his Excellency to find fault with their Proceedings, even when it was as impoſſible for them to have complyed with hisExcellency's Expectations, as it was for the *Iſraelites* to have made *Brick* without *Straw*.

That it was now above ſeven Weeks ſince the Houſe met; that they had in the late Convention (as they call it) paſſed a Bill for the Support of the Government, and one other Bill for the regulating the Militia, *&c.* that theſe were all the Bills they had any Encouragement from his Excellency's Speech to proceed in; that the Houſe have Reaſon to conclude, that what they then did was not agreeable to his Excellency from his Proroguing them, even before the Council could have Time after they met to go thro' them. The firſt Council that the Houſe know of being held in all the Time of that Convention, after receiving his Excellency's Speech, was but on the Day before the Prorogation, (and none hath been held that they knew of ſince) and the Prorogation before either the Governor or Council had ſaid

any thing to the Houſe of rectifying the Miſtakes his Excellency is pleaſed to mention; and thus what they had done was undone, and nothing further recommended to be done, neither any encouragement given for even the doing that over again; but the Houſe detained for eight or ten Days together at this laſt Meeting, beſides ſeveral Day at their firſt Meeting, without either Governor or Council to attend either this or the other meeting. Theſe were ſome of the Proceedings that gave riſe to the extraordinary Meſſage (as his Excellency is pleaſed to call it) and perhaps will be thought by our Superiors to be a Treatment as *extraordinary* as it hath been (until of late) *uncommon*; and what from his Excellency's publick Declaration, could hardly be expected to come very properly under the Denomination of Reaſon and Argument, and therefore not the moſt likely Method of convincing the Houſe of the Neceſſity of a Complyance with what his Excellency's particular Intereſt may induce him to think very reaſonable to be done.

That notwithſtanding all the foregoing Treatment, the Houſe were ſtill fond of an Accommodation; and by ſome of their Members ſollicited his Excellency for two or three Laws which the Country have very much at heart; and they informed his Excellency, that the Houſe would willingly ſupport the Government with Salaries as large as had been given during his Adminiſtration, on Condition they could obtain thoſe Acts that would enable them to do it in a Manner they could approve of; but this could not be done: They therefore beg leave to be plain with his Excellency, and hope he will not take it amiſs, that they are ſo, they are now willing (if his Excellency and Council think fit) to paſs the Bills which they paſſed at their laſt Meeting over again; but as they are diſcouraged from giving ſo large a Support as they would willingly have done, they are determined to aſſent to no larger Applications than what in the late Meeting they aſſented to, until they can have an Aſſurance of obtaining ſome Acts they think they have a right to, and very neceſſary to enable the Colony ſo to do.

That the Houſe have now gone through the Bill, entitled, *An Act for applying* Two Thouſand Pounds *of the Intereſt Money now in the Treaſury, (ariſing from the Loans of the Bills of Credit) for his Majeſty's Service.* And ſent it to Mr. *Reading* one of the Gentlemen of the Council. There being no Council (as they can be informed) in Town, they beg that his Excellency will be pleaſed to ſummon them immediately to attend, that his Majeſty's Service may not be retarded: And when his Excellency and Council have paſſed the ſaid Bill, and have nothing further to recommend to the Houſe to proceed on, they humbly beg his Excellency would be pleaſed to diſmiſs them.

The Houſe adjourn'd till to-morrow Morning nine o'Clock,

Wedneſday, May 29th, 1745.

The Houſe met.

Mr. *Leaming* reported, that Mr. *Fiſher* and himſelf, according to Order, waited on his Excellency with the Meſſage of the Houſe, and that he was

pleas'd

pleas'd to ſay, " That as to the Meſſage of the Houſe, he would conſider " of it; that it was the Duty of the Council to attend; that he had ſum- " moned them; and that the Houſe would do well to let him know what " Acts it was they required to be paſſed as Conditions for their ſupporting " the Government; that the Expreſs ſent with Governor SHIRLEY's Packets " to *Philadelphia*, and that to call the Council together (tho' they knew it " their Duty to attend) was expenſive to the Governor, and others would be " ſo; and ſhews the reaſonableneſs of making Proviſion for them.

The Houſe adjourn'd till To-morrow Morning 9 of the Clock.

Thurſday, May 30, 1745.

The Houſe met.

A Motion was made, and the Queſtion put, that the Houſe do ſend the following Meſſage to his Excellency in reply to his Anſwer of Yeſterday to the Meſſage of the Houſe; and it paſſed in the Affirmative.

Yeas.	Yeas.	Nays.
Mr. *Lawrence*,	Mr. *Hopkins*,	Mr. *Stelle*,
Mr. *Crane*,	Mr. *Hancock*,	Mr. *Heard*.
Mr. *Fiſher*,	Mr. *Brick*,	
Mr. *VanBuſkirk*,	Mr. *Leaming*,	
Mr. *R. Smith*,	Mr. *Spicer*,	
Mr. *D. Smith*,	Mr. *Mott*,	
Mr. *Cook*,	Mr. *Doughty*.	
Mr. *Wright*,		

Ordered,

That Mr. *Spicer* and Mr. *VanBuſkirk* do wait on his Excellency, and acquaint him, that the Houſe did not propoſe any Acts to be paſſed as Conditions for their ſupporting the Government; they did in their Meſſage of the 28th Inſtant, propoſe to do it without. But the Bills that were mentioned to his Excellency by the Members of this Houſe, that would enable the Colony to keep up the Salaries as they would willingly have done, are,

1ſt. *An Act for making current* Forty Thouſand Pounds *in Bills of Credit, with a Clauſe ſuſpending the Effect thereof until his Majeſty's Pleaſure ſhall be known.*

2d. *An Act to oblige the ſeveral Sheriffs of this Colony to give Security*, &c.

3d. *An Act to prevent any Action under* Fifteen Pounds *being brought into the Supreme Court.*

The two laſt as paſs'd the Houſe of Repreſentatives laſt Seſſion.

Theſe very neceſſary Bills the Colony hath already ſuffered for want of, and the Houſe are really afraid (if not timely reliev'd) will not long be in a Condition

Condition either to defend themſelves, to aſſiſt his Majeſty on any Emergency or to ſupport the Government ſo largely as the Houſe have offered to do it at laſt meeting.

The Houſe adjourn'd to 2. *P. M.*

The Houſe met.

Mr. *Spicer* reported, that Mr. *VanBuſkirk* and himſelf, according to the Order of the Houſe, waited on his Excellency with their Meſſage, and that his Excellency was pleaſed to ſay, *He would conſider of it.*

The Houſe adjourn'd till to-morrow morning nine of the Clock.

Friday May 31. 1745.

The Houſe met.

A Meſſage from the Council by Mr. *Hude*, acquainting the Houſe, that the Council have paſſed the Bill, entitled, *An Act for applying* Two Thouſand Pounds *of the Intereſt Money now in the Treaſury (ariſing from the Loans of the Bills of Credit) for his Majeſty's Service*, without any Amendment.

A Motion was made, that ſome Perſons be appointed by the Houſe to correſpond with *Richard Partridge*, Eſq; Agent of this Colony at the Court of *Great Britain*; and on the Queſtion, Mr. *Eatton*, Mr. *Lawrence*, Mr. *R. Smith* and Mr. *Cook* were appointed.

Ordered,
That Mr. *Eatton*, Mr. *Lawrence*, Mr. *Richard Smith* and Mr. *Cook*, or any two of them, do correſpond with the ſaid Agent accordingly.

The Houſe adjourn'd 'till To-morrow morning 9 of the Clock.

Saturday, June 1. 1745.

The Houſe met.

A Meſſage from his Excellency by Mr. Secretary *Read.*

Mr. SPEAKER,
" I am ordered by his Excellency to acquaint you, that he is in the " Council Chamber, and requires the Attendance of the Houſe."

Mr. Speaker left the Chair, and with the Houſe went to attend his Excellency; and being return'd, Mr. Speaker reſum'd the Chair, and reported, that the Houſe had attended his Excellency, and that he was pleaſed to give his Aſſent to a Bill, entitled, *An Act for applying* Two Thouſand Pounds *of the Intereſt Money now in the Treaſury (ariſing from the Loans of the Bills*

of

of Credit) for his Majeſty's Service, Enacting the ſame: And then to make a Speech to the Houſe, of which Mr. Speaker ſaid he had obtain'd a Copy.

And it is as followeth, *viz.*

Mr. Speaker and Gentlemen of the Aſſembly,

I Receiv'd your Meſſage of the 27th of May; and as you deſire, I am very willing to excuſe you from making a Reply to my Anſwer to your Addreſs, either by way of Meſſage or any other; and that for any Reaſon you think fit; as I would have done from making that Addreſs, which made my Anſwer neceſſary; becauſe you might have ſpent your time to much better purpoſe, and more for the Publick Good, in doing what you were call'd together for, than in cavilling and making uſe of any groundleſs Pretence to avoid the doing of it.

My Anſwer to your Addreſs was for the moſt part what ſhew'd the unreaſonable Conduct of the late and a former Aſſembly, as it appear'd from thoſe very Journals to which you referr'd; and are Facts too notorious to be deny'd, and cannot be juſtified by Men of better Talents in the noble Science of Controverſy, than either you or I are Maſters of.

What I ſaid with reſpect to the Bill intended to be brought into Parliament, was to ſhew the Imprudence (to ſay no worſe of it) of the Reſolve made concerning it; and what I ſaid diſcovered no Opinion of mine concerning the Bill, but endeavour'd to ſhew the Imprudence (in ſome meaſure) and Inconſiſtency of that Reſolve, whether it related to the whole Bill, or (as you pretended it was meant) to the Clauſe you printed; and this I think is done, notwithſtanding any thing you have ſaid, or I believe can ſay.

Amongſt other things hinted to be ſaid by me concerning the Inhabitants, in anſwer to your Addreſs, you mention my ſaying, the Juſtice it would be to take the Money they had (that is, the Money the Inhabitants have) to ſupport the Government from them, if they refuſe to apply it *ſo liberally as his Excellency or the Council* ſhall think fit, and you proceed to ſay, "Theſe may, "and you think will, convince every reaſonable Man, that nothing you "could ſay to one of my Diſpoſition and Talents for Argument, would "avail any thing with me; *and for* the PEOPLE, you ſay, the recommend-"ing it to them with the Uſe of their common Underſtandings, will excuſe "you from making any farther reply to it."

I muſt own, that this is a very eaſy (tho' not the moſt civil) way of anſwering any thing that I have ſaid, or can ſay; and if the People (to whom you appeal) will make the free uſe of their Underſtanding, I doubt not they will ſoon diſcover the Force and Energy of it: But before I ſay any thing to it, I take the Liberty to tell you, that any thing that I have ſaid concerning that Bill, or any thing elſe, and every thing that you have ſaid, will be laid before his Majeſty and his Miniſters, who will form a Judgment of our Conduct, and why the People are appealed to on this Occaſion.

I did not ſay that it would be juſt to take from the People the Money they had for the Support of the Government, if they refuſed *to apply it ſo liberally as the Council or I thought fit*, as you unfairly repreſent in your Appeal to the People: But as you pretended to grant a Support, and vainly uſed Words of that Purport on that and every other Occaſion relating to it, when in reality you granted nothing, nor had any other Power in that Caſe (whatever you aſſume to your ſelves) than any other Branch of the Legiſlature; which was, to agree what Quantity of the Money rais'd for that Purpoſe, and directed to be applied to that only Uſe, ſhould be ſo applied: I told you, that you all knew *that Money*, *viz.* that Money in the Treaſury, which you pretended to grant, was applied long ſince to the Support of the Government, not out of any Money given or granted *by you*, but out of Money at your earneſt Requeſt granted *to you*; and would not be unjuſt to *call in* and take from you when you refuſe to apply a *SUFFICIENT Quantity of it to the Support of the Government*, which was the very Uſe it was given for, and applied to; and not if you refus'd *to apply it ſo liberally as the Governor and Council thought fit*, as you diſingenuouſly repreſent to the People you appeal to; and I believe no Man, (not even your ſelves) can think that leſs than half of the uſual Support is a ſufficient Support.

The People you appeal to, and even your ſelves (if you can think cooly) may eaſily ſee, that your Conduct hitherto (either in the late Aſſembly or this) is not the moſt likely Method to induce the Crown to grant you leave to make the *Forty Thouſand Pounds* you are ſo fond of, or any Sum in Bills of Credit, or any Governor to aſſent to an Act of that kind, without a greater Security, that a ſufficient Quantity of the Bills ſo made ſhall be effectually applied to the Support of Government, and ſuch other Uſes as it ſhall be intended for, than either Addreſſes, Petitions, Promiſes or even an Act made by your ſelves has hitherto proved.

I know not, whether 'tis poſſible to make Bricks without Straw or not, or that the *Iſraelites* were obliged to do it; but it appears, that you printed and publiſhed your Addreſs to me long before it was made to me, which ſhould not have been done; and it was not impoſſible to have reformed that Entry, and made an Entry of what was done on the Day of the Delivery of the Addreſs, *viz.* what the Addreſs was, and the Anſwer made to it, which was all tranſacted before you were prorogued; an Account of which ſhould have been entered, tho' it could not be entered on that Day, if you had not been prorogued.

Whether you knew of the Council's meeting or not, during the Time of what you call the Convention, is what I cannot ſay; if they have been any ways in fault, I leave them to account for it as well as they can: But certainly you might have known of it if you would; for they were attending here from the time of my ſpeaking to you 'till the time of your Prorogation, and were ready to receive any thing from you that you were pleaſed to offer; and it appears by the Journals of that Board, that there had been ſix Meetings of the Council, in that Time.

I mentioned no Miſtakes to you; but told you, *if you had made any, the Prorogation*

Prorogation gave you an Opportunity to rectify them: And upon your firſt meeting after the Prorogation and Adjournment, (according to the Rules you made, but not with a Majority of the Houſe) I was told, there grew ſome doubt amongſt them, whether a Majority of the Houſe neglecting to meet at the Time they were prorogued to, that neglect had not diſſolv'd them; but that being in a great Meaſure got over, tho' there was (as I was inform'd by your Speaker) a Majority, yet they declined acting; for what Reaſons I know not; but ſuppos'd to be upon a Belief, that they could not act with leſs than Sixteen; upon which I wrote to the Speaker, but he having adjourn'd the Houſe, and gone to *Brunſwick*, the Letter came not to his Hand while the Houſe was ſitting; but did timely enough to be communicated to them upon their Meeting; and it was communicated to the Members, tho' not to them as a Houſe, and I expected they would have entred upon Buſineſs as from time to time it was recommended to them to do. I was at *Amboy* before a Majority of the Houſe came together, and continued there after that Majority had met, and would not proceed to Buſineſs until the End of the Week, when I wrote that Letter, which I ſuppoſed had fully obviated all theObjections I had heard of; and was much ſurprized, upon receiving your Meſſage at *Trenton*, that nothing had been done, and found the Pretence then made uſe of was, that I had not recommended any Thing farther to you. Tho' what I had wrote to your Speaker, and was well known to your Members, left no room for any ſuch Pretence; yet upon my coming to this Place, (which was as ſoon as the Weather would permit, as I told you) I ſpoke to you again, but ſtill you have declin'd entring upon any Buſineſs; and now the true Reaſon appears why you did not, and that all the other of not farther Recommendation, *&c.* were mere Pretences, and nothing elſe: For after I had ſpoken to you (to which I refer) your Houſe met, and (as your Speaker inform'd me) with the Speaker in the Chair, came to Reſolutions to ſupport the Government in as large a Manner as uſual, and agreed to the Sallaries formerly given, and this by a great Majority: But theſe reſolves were not to be entred on your Minutes, until ſome, deputed by your Houſe, had ſpoke with me concerning ſome Laws that you deſired ſhould be paſſed.

What paſſes in your Houſe, with the Speaker in the Chair, is an Act of the Houſe, and whatever is ſo, the Clerk (being an Officer intruſted by the Government) is by his Office truly to enter, whatever your Orders be: When that is done, it will ſhew whether theſe Votes were Conditional or not; and if Conditional, what thoſe Conditions were. But in theſe mean time, theſe Votes ſhew, that the Houſe did not conceive there was any Inability of the Supporting the Government, but ſomething elſe: So that all the Pretences of Inability are out of Doors.

I met the Deputies of the Houſe (as the Speaker at their requeſt deſired me) and then the Deputed told me, that the Houſe would willingly Support the Government with Sallaries as large as had been given during my Adminiſtration, ON CONDITION, they could obtain ſome Acts (not on Condition they could obtain ſome Acts that would enable them to do it, as you ſay in your Meſſage to me; but of that ſoon) I ask'd what theſe Acts were? They replyed, *An Act to make Forty Thouſand Pounds current in Bills of Credit. An Act concerning Sheriffs*; and *An Act to prevent Actions under Fifteen Pounds*

Pounds to be brought into the Supream Court. With reſpect to the *Forty Thouſand Pound Act*, I told them, I thought the Sum much too ſmall, but adviſ'd them by no means to meddle with any Thing of that Nature until they heard what Succeſs had attended the Bill intended to be brought into Parliament concerning the Paper Currency. With regard to the two others, I was indifferent about them: But the Council having once refuſed them, for Reaſons given by them, might do it again, and they might not come to me to be paſſed. Some of them then ſaid, they wiſhed the Council were in Town to be conferr'd with on that Head, which I did alſo. Tho' I was indifferent as to the Matter of the *Fifteen Pound Bill*, I told them, I ſhould not be inclined to paſs it for a longer time than the *Support of the Government* continued. Upon this, one of them (I think Mr. *Eatton)* ſaid, *We have no Encouragement to do any Thing; we may e'en go home.* I replyed, *If they wanted it perpetual, or for a long time, they might make it of what Duration they pleaſed, by making the Support of the Government as long:* But this would not do. Mr. Speaker ſaid, *it being a Short Bill, might be always read, and paſſed with the Support Bill for the ſame Time and they might be ſure of having it:* But this alſo would not do; there was no Encouragement; and ſo the Conference ended. By this it appears, that the Encouragement mentioned in all your Papers, as expected by you, is a promiſe from me to paſs theſe Bills as you mentioned; and to paſs them, or you will not ſupport the Government. But to make this yet plainer if poſſible.

After the Conference juſt mentioned, you ſent me the Meſſage I am now ſpeaking to; wherein you tell me, you had ſollicited me for two or three Laws the Country had much at Heart, and inform'd me, that the Houſe would willingly ſupport the Government with Sallaries as large as has been given. *&c.* ON CONDITION, they could obtain thoſe Acts that would ENABLE them to do it *in a Manner they could approve of*; and tell me, they are willing to paſs the Bills they paſs'd at the laſt Meeting over again, *but as they are diſcouraged* from giving ſo large a Support as they would willing have done, tell me, they are determined to aſſent to no larger Applications than they had at the laſt meeting aſſented to, *UNTIL they can have an ASSURANCE* of obtaining ſome Acts they think they have a RIGHT to, and very neceſſary to ENABLE the Colony ſo to do.

By the Meſſengers that brought this Meſſage, I deſired the Houſe would let me know, what Acts it was they required to be paſſed as Conditions for their ſupporting of the Government. This Anſwer was reported on the 29th of *May*, and tho' you had on the 27th mentioned their informing me, that the Houſe would willingly ſupport the Government as largely, *&c.* ON CONDITION, they could obtain thoſe Acts, *&c.* as above, and flatly tell me, you are *determined* to aſſent to no larger Applications, *&c.* UNTIL you can have *AN ASSURANCE* of obtaining, *&c.* Yet by your Meſſage of the 30th, you tell me, that you did not propoſe any Acts to be paſs'd as Conditions for your ſupporting the Government, and did in your Meſſage of the 28th propoſe to do it without. It ſeems then, the *uſual* Support was only to be had on theſe *Conditions*, and you were determined not to aſſent to the *uſual* Support, unleſs you can have an *ASSURANCE* of obtaining *&c.* Very admirable this from the Repreſentatives of a Province! So then it ſtands thus, you refuſe to ſupport the Government as uſual, unleſs on theſe Condi-

tions,

tions, and are determin'd not to ſupport the Government as uſually done, unleſs you can have Aſſurances for obtaining theſe Acts, and *in a Manner you could approve of too*: But pray, who can give you this *Aſſurance?* not I, for the Council have already refuſed them; and may do it, and probably will do it again for the Reaſons they have already given. Not the Council, for I may not paſs them. Not the Council and I together; for his Majeſty can, and not unlikely that he will, diſapprove of them. So that I don't ſee which way you can have *an Aſſurance* of obtaining theſe Acts; but you are determined not to ſupport the Government, as *uſually* done, unleſs you have them. I hope cooler Thoughts will determine you to a more prudent Conduct. Though you will not ſupport the Government as uſual, without theſe Conditions, yet you are willing to ſupport it in the Manner you and the late Aſſembly propoſed, without Conditions. That is, you are willing I ſhould take *Five Hundred* Pounds (half the uſual Sallary) out of the Treaſury: You will, by my conſenting to the Act if the Council paſs it, take *Fifteen Hundred* Pounds out of the ſame Treaſury, for the Time you have ſpent in needleſs jangling, and nothing done.

You mention thoſe Acts that would ENABLE you to ſupport the Government; certainly neither the *Sheriffs Bill* nor the *Fifteen Pound Act* can contribute one doit towards that; ſo that they are mentioned only to amuſe, and the true State of the Caſe is, that you are determined not to ſupport the Government, unleſs you can be aſſured of obtaining an Act to make *Forty Thouſand Pounds* in Bills of Credit; and that is the ſole Difference between us; and I not being able to give you theſe Aſſurances, is the true Diſcouragement you talk of, and the only one you have met with.

LEWIS MORRIS.

Mr. Speaker further reported, that his Excellency had directed him to adjourn the Houſe to *Tueſday* the 25th Inſtant, and ſo continue to adjourn, by a ſmall Number of the Members, from three Weeks to three Weeks, until he ſhould hear further from his Excellency.

And then the Houſe adjourn'd to *Tueſday* the 25th Inſtant accordingly.

BY *Virtue of an Order of the Houſe, I do appoint* William Bradford *of* Philadelphia *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*

VOETS

OF THE

General ASSEMBLY

TUESDAY, June, 25. 1745.

MR. Speaker and five of the Members met, and (purſuant to his Excellency's Directions) adjourn'd the Houſe till *Tueſday* the *Sixteenth* of *July* next.

Tueſday, July 16. 1745.

Mr. Speaker and three of the Members met, and (purſuant to his Excellency's Directions) adjourn'd the Houſe till *Tueſday* the *ſixth* Day of *Auguſt* next.

Tueſday, Auguſt 6, 1745.

Mr. Speaker communicated to the Members a Letter from his Excellency, directing him to adjourn the Houſe to meet at *Trenton* on the 16th of this Month: And Mr. Speaker (four Members being preſent) adjourn'd the Houſe to *Trenton* accordingly.

Friday, Auguſt 16. 1745.

The Houſe met at *Trenton* according to adjournment, and adjourn'd till to-morrow Morning nine o'Clock.

Saturday Auguſt 17. 1745.

The Houſe met and adjourn'd till *Monday* morning nine of the Clock.

Monday Auguſt 19. 1745.

The Houſe met.

Ordered,
That Mr. *Mott* and Mr. *Crane* do wait on his Excellency, and acquaint him, that a ſufficient Number of the Members to proceed upon Buſineſs are met, and are ready to receive any Thing his Excellency hath to lay before the Houſe.

Mr. *Mott* reported, that Mr. *Crane* and himſelf waited on his Excellency with the Meſſage of the Houſe; and that he was pleaſed to ſay, *that it was late in the Day, that he expected a Quorum of the Council to-morrow, and that he would let the Houſe know when he would ſpeak to them.*

Mr. *Heard* acquainted the Houſe, that *John Moores*, Eſq; late a Repreſentative of the County of *Middleſex* is deceaſed.

Ordered,
That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown to make out a Writ for electing a Repreſentative of ſaid County in the Room of the ſaid Deceaſed.

The Houſe adjourn'd 'till To-morrow Morning 9 of the Clock.

Tueſday, Auguſt 20, 1745.

The Houſe met and adjourn'd till to-morrow morning 9 o'Clock.

Wedneſday, Auguſt 21. 1745.

The Houſe met.

A Meſſage from his Excellency by Mr. Secretary *Read.*

" Mr. Speaker.
" I have his Excellency's Orders to acquaint you, that he is in the Coun-
" cil Chamber at *Kingsbury*, and requires the Attendance of the Houſe.

Mr. Speaker left the Chair, and with the Houſe went to attend his Excellency.

Being return'd, Mr. Speaker reſumed the Chair, and reported, that the Houſe had waited on his Excellency, who was pleaſed to make a Speech to both Houſes; of which, to prevent miſtakes, Mr. *Speaker* ſaid he had obtain'd a Copy.

His Excellency's Speech was read, and ordered a ſecond Reading in the Afternoon.

The Houſe adjourn'd till 2 *P. M.*

The

The Houſe met.

The Order of the Day being read, his Excellency's Speech was read a ſecond time, and is as followeth.

Gentlemen of the Council and Aſſembly,

WHEN We laſt parted, there had been much time ſpent, and I wiſh I could ſay, for the ſakes of all concern'd, it had been employ'd to much better purpoſe than it was.

What poſture of Defence the Country is in, and how capable of reſiſting an Enemy, is known to all: That they ſhould be in a Condition to defend themſelves, in Caſe an Enemy ſhould attack them; and that our Enemies want neither Inclination nor Abilities to attempt it, I believe will not be diſputed by any that duly regard the ſafety of the Publick: I therefore recommend it to you to make ſuch Proviſion for the effectual Defence of it, as the Circumſtances of the Inhabitants, and the Times require ſhould be done.

The Government has been for nigh a Year unſupported. The Council and Aſſembly of this Province, when they addreſs'd His Majeſty to appoint them a Governor ſeparate and diſtinct from that of *New-York*, aſſured him, *they were both able and willing to ſupport ſuch a Governor*; and His Majeſty, depending upon theſe ſolemn Promiſes and Engagements, was graciouſly pleaſed to grant the favour they petitioned for.

I therefore recommend it to you to make ſuch proper Proviſion for that Purpoſe, that there be no Reaſon given to complain on that Head; or for His Majeſty and Miniſters to ſay, there is no Dependance upon the Engagements of the Province of *New-Jerſey*: And I have from this, juſt Grounds to expect, that you will agree to appoint ſuch a part of the publick Money, as is to be apply'd to that purpoſe, as will be an ample Support for the Governor and the ſeveral Officers of the Government; and ſuitable to the Dignity of their ſeveral Stations.

I have, ſince our laſt Meeting and the Reduction of *Louisburg* to His Majeſty's Obedience, receiv'd Letters from Governor *Shirley* and Commodore *Warren*, earneſtly preſſing for Aſſiſtance of Men from this Government; which I ſhall lay before you.

As you cannot be Ignorant how Advantageous ſuch an Acquiſition is, and will be, eſpecially, to all his Majeſty's Northern Colonies; nor how neceſſary and juſt it is, that all of them ſhould contribute to the Charge of acquiring it, and to preſerve it now it is obtain'd; ſo I think, I need only to recommend it to your ſerious Conſideration: But here it is not unfit to mention to you, that as no care has been taken to repay the *Two Thouſand* Pounds taken out of the Treaſury to purchaſe Proviſions for the Uſe of the Forces at *Cape-Breton*, it is taking ſo much Money from his Majeſty, appointed for the Support of his Government, and is not the Gift of the People as, I ſuppoſe, it was intended to be; nor is it of one Farthing Expence to any of them: But is, truly, ſo much Money

taken,

taken, or rather borrow'd, from the Treaſury, which I think it will be your Intereſt to repay, becauſe the Safety of thoſe who had it thence, are ſomething concern'd.

I ventured to aſſent to the Act, believing the Proviſions to be purchaſed would be of great Uſe to the Forces at *Cape-Breton*: But if not repaid, it may be a Doubt whether the Lords of Trade will adviſe his Majeſty to approve of it; for, I find by a Letter from that Board of the 13th of *November* 1711 to Governor *Hunter*, concerning Money before that given to her Majeſty, and appropriated to the buying of Stores; they ſay, that when any Money is given to her Majeſty for buying of Stores, and the Money apply'd, they (the Aſſembly) *ought not*, by a ſubſequent Act, *to pretend* to direct it to another: That this was never done by the Parliament there.

I am ſorry that my ill and precarious State of Health would not admit of my meeting you at *Amboy* at this Time, as I did intend; it being, I think, their turn: But I hope the Members of both the Diviſions of this Province, wherever they meet, will heartily ſtudy and uſe their Endeavours to promote the Publick Good; and anſwer what ſhould be the true Ends of their meeting.

Purſuant to his Majeſty's Commands, I muſt again preſs you to agree upon a Sum ſufficient to be apply'd to the Support of his Government here, out of the Money given you at your own earneſt requeſt; and to be apply'd ſolely to that Purpoſe: And I may venture to aſſure you, that it is your true Intereſt to do ſo.

LEWIS MORRIS.

A Meſſage from his Excellency by Mr. Secretary *Read.*

" Mr. *Speaker*,

" His Excellency has ordered me to lay before the Houſe, a Letter to him " from Governor *Shirley*, two Letters from Commodore *Warren*, and a " Copy of a Circular Letter from the Duke of *New-Caſtle.*" And he delivered them to Mr. Speaker, and then withdrew.

And the ſaid Letters were read, chiefly deſiring a ſupply of Men, Proviſions, *&c.* for his Majeſty's Forces at *Cape-Breton*; by which it does not appear to the Houſe, that Governor *Shirley* or Commodore *Warren* had receiv'd any Intelligence of the £. 2000 this Colony has already given, and moſtly tranſmitted (in Proviſions) to his Excellency Governor *Shirley*, for the Uſe of ſaid Forces, before the latter End of June laſt; which, when known, the Houſe are in Hopes will be looked upon to be as much as the Circumſtances of this Colony will at preſent admit of.

A Motion being then made, that as the General Aſſembly of *New-Jerſey* have been uſually held alternately at *Perth-Amboy* and *Burlington*, ever ſince the Proprietors ſurrender'd the Government to the Crown, (unleſs upon ſome extraordinary Occaſion,) and as the preſent Seſſion was begun at *Perth-Amboy*, it ought of Right to end there:

The

The Houſe taking the ſame into Conſideration,

Ordered,

That Mr. *Fiſher* and Mr. *Hancock* do wait on his Excellency and deſire, that he will be pleaſed to cauſe to be laid before the Houſe, Copies of ſuch parts of his Commiſſion and Inſtructions, as relate to the Place or Places where the General Aſſemblies of this Colony are to be held.

The Houſe adjourn'd till Nine o'Clock to-morrow Morning.

Thurſday, Auguſt 22d, 1745.

The Houſe met.

Mr. *Fiſher* reported, that Mr. *Hancock* and himſelf waited on his Excellency with the Meſſage they had in Charge; and that his Excellency was pleaſed to ſay, that he would ſend to the Houſe a Copy of ſuch Part of his Inſtructions as they deſired, on this Day.

The Houſe adjourn'd till 2 P. M.

The Houſe met and adjourn'd till to-morrow morning nine of the Clock.

Friday Auguſt 23, 1745.

The Houſe met.

Ordered,

That Mr. *Van Middleſworth* and Mr. *Hopkins* do wait on his Excellency, and acquaint him, that the Houſe has not receiv'd a Copy of that Part of his Excellency's Inſtructions relating to the ſittings of the General Aſſembly, as they expected to have done Yeſterday; and therefore deſire he will be pleas'd now to ſend it.

Mr. *Van Middleſworth* reported, that Mr. *Hopkins* and himſelf waited on his Excellency with the Meſſage of the Houſe, and that his Excellency was pleaſed to ſay, That he ſhould make an Anſwer to the Houſe preſently; that he was preparing one, but that the Houſe had no right to ſend for any of his Inſtructions.

The Houſe adjourn'd to 2 *P. M.*

The Houſe met.

Mr. Secretary brought a Meſſage in Writing from His Excellency, which he read and delivered to Mr. Speaker, and then withdrew, and it is as followeth:

Mr. SPEAKER,

" I Receiv'd the Meſſage of your Houſe by your two Members, Meſſ. " *Fiſher* and *Hancock*.

" It is very true, that the General Aſſemblies of *New-Jerſey* have been " uſually held at *Perth-Amboy* and *Burlington*, unleſs upon ſome extraordi- " nary Occaſion: And I would have very gladly held it at *Amboy* at this " Time, if my Health would have permitted me to attend at that Place, " as being their Turn, and ſo I told you when I laſt ſpoke to you: It " being their Turn, was not becauſe this Seſſions began at *Amboy*, but be- " cauſe the laſt Seſſions before that ended at *Burlington*, or this Place, in " the Weſtern Diviſion; and that Seſſions, tho' began at *Amboy*, did not " end there, as you ſay it ought, but at the Deſire of the then Houſe, and " Approbation of the Council, was moved to *Burlington*, upon the Promiſes " then made by that Aſſembly; and the Sitting of that Aſſembly did not " even end there; but on account of my ill State of Health, was moved to " this Place, becauſe I could not attend it there; as I could not, nor cannot " attend at *Amboy* for the ſame Reaſon at this Time.

" This was and is evident to moſt, and is an extraordinary Occaſion, which " I ſhould have been very glad had not happened, and ſhould be equally " pleaſed would not continue.

" The calling, adjourning, proroguing and diſſolving of Aſſemblies, " and appointing the Places of their Meeting, is a Prerogative ſolely in " the Crown; and the Power of calling, adjourning poroguing, and " diſſolving of them, he has been pleaſed, by his Letters Patent under " the great Seal of *England*, ſolely to entruſt with me. But with reſpect " to the Places of their Meeting, he has, by his Inſtructions to me, directed, " That they ſhould be alternatively kept at *Burlington* and *Amboy*: But ſo, " that by the Advice of Council, they can be appointed to meet in other " Places, ſhould it be judged neceſſary to do ſo.

" This Matter has been no ſecret, but has been long known to all, and " particularly to your Houſe, as appears by my Speech to them in Page (42) " of your printed Votes for the Year 1738.

" As to my Commiſſion, it is upon Record, to which every one may " have Recourſe; and if your Houſe, or any of your Members are deſirous " to ſee the Original, if you pleaſe to come to this Place, it ſhall be read " unto you.

" Inſtructions are in their Nature ſecret, and to be communicated only " to ſuch Perſons and in ſuch a Manner as his Majeſty is pleaſed to direct. " And I am directed to communicate to the Council (who are ſworn to Se- " creſy) ſuch and ſo many of his Majeſty's Inſtructions, relating to thoſe " Things wherein their Advice and conſent is required, and ſuch others " as I find convenient for His Majeſty's Service, be imparted to them.

" This

" This I have always done, and particularly that with Relation to the " Places of the Meeting of Aſſemblies, as I have done to your Houſe for- " merly, and do now as above: But to lay a Copy of any of my Inſtructi- " ons before you, who are no ways concerned in them, and whoſe Advice " and Conſent is not required, is a Demand of an extraordinary, and I " think, unpreſidented Nature; I being not at all (that I know of) accounta- " ble to you for my Conduct, with Reſpect to my Complyance with his Ma- " jeſty's Inſtructions or otherwiſe, but ſolely to his Majeſty that gave them. " But I ſhall (tho' not accountable to you) be very willing to hear, and " thankfully receive any Advice from you: And if any Part of my Con- " duct has been juſtly blameable, ſhall very readily alter it, and am wil- " ling to give you all the Satisfaction in my Power, not inconſiſtent with " the Truſt repoſed in me."

Kingsbury, in the County of *Burlington*, *Auguſt* 23d. 1745. *LEWIS MORRIS.*

The Houſe having taken the above Meſſage into Conſideration, and it not appearing thereby that the Houſe was called from *Amboy* to *Trenton*, by Advice of Council,

Ordered,

That Mr. *Eatton* and Mr. *Cook* do wait on the Council, and acquaint them, that this Houſe deſires to be inform'd, whether the General Aſſembly was called from *Amboy* to *Trenton* at this Time, by Advice of Council, or not?

The Houſe adjourn'd 'till To-morrow Morning Nine of the Clock.

Saturday Auguſt 24, 1745.

The Houſe met.

Mr. *Eatton* reported, that Mr. *Cook* and himſelf waited on Mr. *Reading*, Chairman of the Council, with the Meſſage they had in Charge, and that Mr. *Reading* ſaid, that there were but three of the Council in Town, and he would communicate it to the other two.

Mr. Secretary came to the Houſe and read a Prorogation under the Great Seal of this Province, whereby the General Aſſembly ſtands prorogued to *Tueſday* the *twenty fourth* Day of *September* next, then to meet at *Burlington*.

BY Virtue of an Order of the Houſe, I do appoint William Bradford *of* Philadelphia, *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*

THE

VOTES

AND

PROCEEDINGS

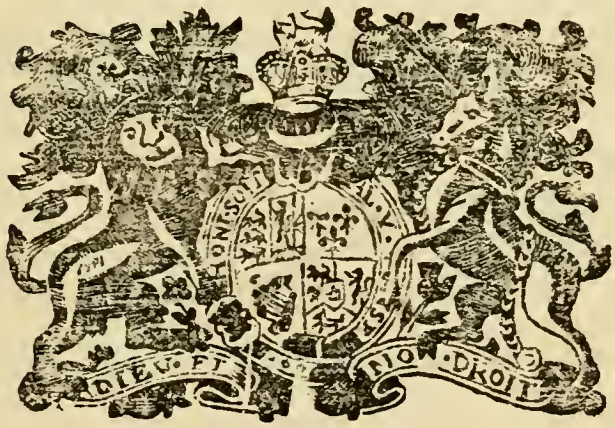
OF THE

General ASSEMBLY

OF THE

Province of NEW-JERSEY.

Held at *BURLINGTON* on *Tuesday* the *Twenty fourth* of *September* 1745.



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VOTES

OF THE

General ASSEMBLY

TUESDAY September 24. 1745.

PURSUANT to his Excellency's Prorogation, the Houſe met at *Burlington* this Day, and adjourned till To-morrow Morning 9 o'Clock.

Wedneſday, September 25. 1745.

The Houſe met.

Mr. *Speaker* acquainted the Houſe that he had waited on His Excellency at *Kingſbury*, on his Way to this Place; and that his Excellency had directed him to inform the Houſe, that when there were a ſufficient Number of Members met to proceed upon Buſineſs, they ſhould let him know, and he would ſend them a Meſſage.

Ordered,
That Mr. *Mott* and Mr. *Crane* do wait on his Excellency at *Kingſbury* near *Trenton*, and acquaint him, that there are a ſufficient Number of Members now met at *Burlington* to proceed upon Buſineſs.

The Houſe adjourn'd 'till To-morrow Morning 9 of the Clock.

Thurſday, September 26. 1745.

The Houſe met.

Mr. *Crane* reported, that Mr. *Mott* and himſelf had waited on his Excellency at *Kingſbury* near *Trenton*, with the Meſſage of the Houſe of Yeſterday; to which he made no Anſwer.

The Houſe adjourn'd till to morrow Morning nine o'Colck.

Friday September 27. 1745.

The Houſe met; and hearing nothing from His Excellency, adjourn'd till to morrow Morning nine of the Clock.

Saturday, September 28. 1745.

The Houſe met.

Mr. Secretary *Read* attending at the Door was called in, and delivered a Meſſage from his Excellency, which was ordered to be read, and is as follows.

" Mr. SPEAKER,

I RECEIV'D the Meſſage from your Houſe Yeſterday in the Evening, " with the particular Directions contained in it to your Meſſengers where " to deliver it to me. I am ſorry, that my Weakneſs and ill State of Health " at preſent, and my Wife's extream Illneſs, by which ſhe has been con- " fin'd to her Bed this fortnight, with very little Hopes of Recovery; and " ſtill is confin'd and very ill, renders me unable to meet you at *Burlington*, " as I would have done if I could.

" Tho' the Publick State of Affairs, both with regard to ourſelves and " the ſecuring ſo conſiderable an Acquiſition as that of *Cape-Breton* and " *Louiſburg*, reduced almoſt entirely at the Expence of the Men and Trea- " ſure of our Neighbours of *New-England* (who much needed and reaſona- " bly deſired the Aid of the other Colonies, to preſerve ſo conſiderable an " Acquiſition when obtained, and prevent it from falling again into the Hands " of the *French*) made your being kept together at the Time of our laſt " Meeting neceſſary; yet the Members of your Houſe (or at leaſt many of " them) being (as they have ſaid) Plowmen; and it being nigh or about " their Seed time, which was ſuggeſted to me might prove prejudicial to " their private Affairs, I was willing to indulge them, agreeably (if I am " rightly inform'd) to their own deſire, to put their meeting off to a further " Time when the Buſineſs of their Huſbandry could not well obſtruct their " thinking calmly and effectually of what was then recommended to them; " and accordingly prorouged them to the Time and Place of their now Meet- " ing; and ſince they are met, as you tell me, I hope they will, avoiding all " unneceſſary Diſputes, ſeriouſly enter into the Conſideration of what I have " at the laſt meeting and before that, often recommended to them; and at pre- " ſent is neceſſary to be done as ſoon as conveniently it can.

" The Government and all the Officers of it have been for this twelve " Month paſs'd without any Support, and ſtill are; nay, there is not ſo much " as any Proviſion made for the Payment of the Governors Houſe Rent, " which ſeems a Thing independant of the Support of the Government: " How agreeable the not letting the Governor have a Houſe to live in, and not

" ſupporting

" ſupporting the Government at all, is to the Petitions made to his Majeſty to " induce him to Grant them a ſeparate Governor, any Body that Reads theſe " Petitions can determine; as every Body, who will give themſelves leave to " think, can, without much Heſitation, judge how likely ſuch a Conduct " is to induce his Majeſty to grant them the farther Favour they deſire; " which gives me ſome Reaſon to Hope, that your Houſe, by ſupporting the " Government as they ſhould do, will for the future leave no Room for any " Remarks of this Kind.

" The Militia is ſtill unſettled, and of what Dangerous Conſequence that " may prove to the Inhabitants, and his Majeſty's Intereſt, now in a Time " of War, when we may be attacked by Sea by the *French*, and by Land by " the *French* and *Indians*, which laſt are in a wavering Condition, and have " now under Debate, whether they ſhall enter into a War with us or not; and " not yet know on which ſide of the Queſtion they will determine, as you " will ſee by Governor *Clinton*'s Letter, and what comes from the Commiſſi- " oners of the *Indian* Affairs at *Albany*,

" Should they determine for War, as poſſible they may, I leave you to " think of what dangerous Conſequence to the Inhabitants ſuch a War may " prove, unleſs ſome better Care be taken than has yet been done.

" I ſend you alſo an Account of a notorious Riot lately committed at " *Newark*, if it be not ſomething worſe: If the *Indians* can be prevail'd on " to join in Attempts of this Kind, we may ſoon have a War with them in " our own Bowels, encouraged by the King's Subjects; the Threat is of " dangerous Conſequence: But if they ſhould not, if theſe Rioters cannot be " brought to Juſtice, all Civil Proceſs muſt ſoon ceaſe, and the Government " overturn'd. The Infection will ſoon ſpread from ſuch a notorious Riot to a " Rebellion: So that I hope you will not be wanting in your Care concern- " ing it; and making ſuch Proviſions by a Militia Act, or other Acts, as to " prevent the like for the future.

" I have received ſome Letters from *New-England* ſince our laſt Meeting, " earneſtly preſſing for an Aſſiſtance of Men from this Colony: I have Or- " dered thoſe Letters, and what I received before, to be laid before you for " your Conſideration, and I hope they will have their due Weight.

LEWIS MORRIS.

September 26. 1745.

Ordered,
That the ſaid Meſſage be read again.

Mr. *Secretary* alſo delivered the ſeveral Letters mentioned in the above Meſſage, which were read, and ordered a ſecond Reading.

Thomas Farmar, Eſq; returned a Repreſentative for the County of *Middleſex*, in the Room of *John Moores*, Eſq; deceaſed, attending, and the Rolls being brought into the Houſe by the Deputy Secretary, Mr. *Farmar* was qualified in the Houſe before Mr. *Chief Juſtice*, Mr. *Speaker*, and Mr. *Stelle*.

Ordered,
That Mr. *Farmar* take his Place in the Houſe.

The Houſe adjourn'd till *Monday* Morning nine o'Clock.

Monday September 30. 1745.

The Houſe met.

According to Order his Excellency's Meſſage to the Houſe, and the ſeveral Papers mentioned therein, were read a ſecond Time.

Ordered,
That the Conſideration of his Excellency's ſaid Meſſage, and the ſaid Papers, be referred to a Committee of the whole Houſe.

The Houſe being informed that notwithſtanding Mr. *Franklin*, the Poſt-Maſter at *Philadelphia*, was ſerved with the former Reſolutions of this Houſe, concerning the Poſt-Riders not calling at *Perth-Amboy* and *Burlington*, the ſaid Poſt-Rider has hitherto neglected to call at ſaid Places, which might have happened by his not having Information of the ſaid Reſolutions.

Ordered,
That the Clerk deliver to the Serjeant at Arms attending this Houſe, a Copy of the ſaid former Reſolutions; and that the ſaid Sergeant do ſerve the Poſt-Rider with the ſame.

The Houſe adjourn'd till to morrow Morning nine o'Clock.

Tueſday October 1. 1745.

The Houſe met.

According to Order, the Houſe reſolved itſelf into a Committee of the whole Houſe, to conſider his Excellency's Meſſage, and the Letters and Papers mentioned therein. After ſome time ſpent therein, Mr. *Speaker* reſumed the Chair, and Col. *Farmar*, Chairman, reported, that the Committee had made ſome Progreſs in the Matter to them referred, and deſire leave to ſit again; to which the Houſe agreed.

The Houſe adjourn'd to 2 *P. M.*

The Houſe met.

The Houſe reſolved itſelf into a Committee of the whole Houſe, to proceed in the Conſideration of his Excellency's Meſſage. After ſome time ſpent therein, Mr. *Speaker* reſumed the Chair, and Col. *Farmar* reported, that the Committee had gone through the Matters to them referred, and had come to a Reſolution to anſwer his Excellency's Meſſage, by a Meſſage to be ſent to him from this Houſe; to which the Houſe agreed.

Ordered,

Ordered,
That Mr. *R. Smith*, Mr. *Lawrence*, Mr. *Eatton*, Mr. *Low*, and Mr. *Cooke* be a Committee to prepare and bring in a Draught of ſaid Meſſage.

The Houſe adjourn'd 'till To-morrow Morning Nine of the Clock.

Wedneſday, October 2. 1745.

The Houſe met.

Mr. *Mott* and Mr. *Spicer*, two of the Truſtees appointed by the Act paſs'd at *Perth-Amboy*, entitled, *An Act for applying Two Thouſand Pounds of the Intereſt Money now in the Treaſury (ariſing from the Loans of the Bills of Credit) for His Majeſty's Service*, (being Members) acquainted the Houſe, that purſuant to the Directions of the Act, they had receiv'd and laid out *One Thouſand Pounds* in Proviſions, and tranſmitted the ſame to his Excellency Governor *Shirley*, and were ready to lay their Accounts before the Houſe, when they would be pleaſed to receive it.

Ordered,
That it be laid before the Houſe immediately; and it was accordingly done.

Ordered,
That Mr. *Stelle*, Mr. *Hancock*, and Mr. *Leaming*, be a Committee to examine the ſaid Account, with the Vouchers, and make Report to the Houſe.

The Houſe adjourn'd till to-morrow Morning nine o'Clock.

Thurſday, October 3. 1745.

The Houſe met.

Mr. *Eatton* from the Committee appointed to prepare a Draught of a Meſſage to his Excellency, in Anſwer to his Meſſage to this Houſe, reported, that the Committee had prepared the ſame, and with leave he delivered it in at the Table, and it was Read, and ſome Amendments were made thereto in the Houſe.

And then the Queſtion being put, whether the Houſe agree to the ſaid Meſſage, (which immediately follows) or not; it paſs'd in the Affirmative.

Yeas.	Yeas.	Yeas.	Nays.
Mr. *Eatton*,	Mr. *Demareſt*,	Mr. *Hancock*.	Mr. *Stelle*,
Mr. *Lawrence*,	Mr. *R. Smith*,	Mr. *Leaming*,	Col. *Farmar*,
Mr. *Crane*,	Mr. *D. Smith*,	Mr. *Spicer*,	Mr. *Heard*,
Mr. *Van Middleſworth*,	Mr. *Cooke*,	Mr. *Mott*,	
Mr. *Fiſher*,	Mr. *Wright*,	Mr. *Doughty*,	
Mr. *Van Buſkirk*,	Mr. *Hopkins*,		

Ordered

Ordered,

That Mr. *Crane* and Mr. *Hancock* do wait upon his Excellency, and acquaint him, that when Mr. *Speaker* acquainted the Houſe with the Direction his Excellency had given him, That they ſhould let him know when met, *&c.* It then became neceſſary to ſend their Meſſage to the Place where his Excellency was; and that being many Miles diſtant from the Place of the Aſſembly's ſitting, occaſion'd their ſending the Meſſage with the particular Directions contained in it to their Meſſengers where to deliver it. That the Houſe are ſorry his Excellency's Weakneſs, with the Illneſs of his Lady, ſhould hinder his meeting them at *Burlington*.

That however neceſſary the calling and keeping the Aſſembly together at their laſt Meeting, might be, it had not then become the Subject of their Inquiry; therefore an Apology to them is unneceſſary: Neither do they know, that either the Houſe, or any of their Members, made Application to have their meeting put off untill a further time. They were then in purſuit of a neceſſary Inquiry concerning their being remov'd from *Amboy* to *Trenton* (an unuſual Place for Aſſemblies to ſit in) as they apprehended very contrary to His Majeſty's particular Commands: And the putting an End to that Enquiry, the Houſe are apprehenſive might be a greater Inducement to his Excellency's Informers, for putting their meeting off untill a further Time, than any Regard they had to their private Affairs, altho' it was then Seed time. The Remembrance of the frequent Impoſitions of this kind; and His Excellency's ſo repeatedly receiving Informations from others concerning the Affairs of the General Aſſembly of this Colony, without taking their meaning from themſelves, naturally puts the inquiſitive Part of Mankind in Mind of a Remark of one of the Wiſeſt of Rulers, *Prov.* 29. 12. *If a Ruler hearken to Lies, all his Servants are Wicked.*

The Aſſemblies of *New-Jerſey* have not hitherto let their private Affairs (altho' in them they have ſuffer'd deeply for theſe ſeveral Years paſt, both in Seed Time and Harveſt) hinder them from thinking calmly on the Publick Affairs. They did ſo in *Trenton*, when they paſſed a Bill for Support of this Government, wherein Proviſion was made for the ſeveral Officers of it: At the ſame Seſſion they paſſed a Bill for ſettling the Militia of this Province, and one other Bill for providing Arms and Ammunition for its Defence; the compleating of all theſe was fruſtrated by the Council. This Houſe have ſince that at *Amboy* calmly conſidered the State of this Colony, and paſſed a Bill for the Support of this Government; which made the like Proviſion with the former; and one for ſettling the Militia, *&c.* wherein all the Proviſion for the Defence of the Colony was made, that could be made conſiſtent with the Circumſtances of it. Theſe were made void by his Excellency's Prorogation.

And now, tho' they think very calmly and concernedly of their publick Affairs, they can't tell how to paſs either of theſe otherwiſe than they have heretofore paſs'd them, untill they can obtain ſome Laws to enable them reſpecting the former, and Convincement in Judgment to induce them to alter their Sentiments reſpecting the latter: But as they told his Excellency at *Amboy*, ſo they are ſtill willing to paſs Bills of a like Kind, if thoſe will be acceptable to his Excellency and Council, but not to make any larger Applications, untill they have

have a ſufficient Encouragement for their obtaining thoſe Bills they then mentioned to his Excellency: And this Opinion they are confirmed in by the General Voice of their Conſtituents, which they conceive ought to have ſome Weight with His Excellency. And as it gives this Houſe great concern to find thoſe Obſtructions to the publick Buſineſs thrown in the Way by His Excellency and Council, ſtill unremoved, ſo whenever they will be pleaſed to remove them, the Houſe are ready and willing to proceed accordingly, untill that is done, they fear they ſhall but ſpend Time in Vain (as the Aſſemblies two often have done) in preparing of Bills at either their own, or the Country's Expence: They do therefore rather chuſe, until then, to follow His Excellency's former Advice, to defer the preparing ſuch Bills until ſome future favourable Opportunity, when Reaſon and Argument may have greater Influence.

The Aſſemblies of *New-Jerſey* have always made ample Proviſion for paying his Excellency's Houſe Rent ever ſince he came to the Government, (tho' never done for any of their Governors before) and had in each of the above mentioned Bills made Proviſion as largely as ever, notwithſtanding His Excellency has now given the Houſe his Opinion, that is a thing independent of the Support of Government: When his Excellency will be pleaſed to convince this Houſe, that it is ſo, he will not find it any hard Matter to perſwade them that they have nothing to do in providing for the Payment of it for the future.

Whoever will take the Pains to read the Petitions made to his Majeſty for a ſeparate Governor, and give themſelves time to think, will find they aroſe from the Neceſſity the Inhabitants were under of having Acts of Government performed for the Eaſe and Relief of the People; and as this was the End and Deſign of the Petitions, ſo we have the greateſt Reaſon to believe, from His Majeſty's known Candour and Goodneſs, that it was the chief Inducement to him to grant their Prayers; and when his Majeſty's ſalutary Intentions are anſwered by his Officers, the People will always exert themſelves in keeping up their Salaries to the utmoſt, and ſometimes even beyond their Abilities: But when they are ſo far diſappointed of having thoſe gracious Purpoſes complyed with, that they are in a worſe condition than formerly, being not only obliged to groan under their former Grievances, but the Addition of new and unheard of Perplexities, then will they make Uſe of their known Rights and Priviledge allowed them by their happy Conſtitution, in judging according to Scripture and right Reaſon, that every Man ought to be rewarded according to his Works.

That the Law *for ſettling the Militia of this Colony*, paſs'd by his Excellency in the Year 1738, is ſtill in force till *March* next, and from thence to the End of the next Seſſion of the General Aſſembly, which will in ſome Meaſure anſwer the Want of thoſe the Aſſembly have ſo often endeavoured for, in order to put the Colony into as good a Poſture of Defence as they could do, without being able to obtain them; but as no Endeavours of theirs have been wanting, all the ill Conſequences that may accrue for want of a better Militia Act, they are humbly of Opinion, ought juſtly to be charg'd to the Account of thoſe who have ſo often fruſtrated the Good Intentions of the Aſſembly's.

As this Colony hath not (as the Houſe can be informed) ever had any thing to do in *Indian* Affairs (out of its own Limits) neither been partakers of the Benefit of their Trade, they make no doubt but the Treaty will be carried on to Satisfaction by thoſe who are more immediately concerned in it than we are: And as their Commiſſioners are now meeting at *Albany* on a Treaty with them, wherein they are to have the Company and Aſſiſtance of Governor *Clinton*, whoſe prudent Conduct, with the Commiſſioners from the Neighbouring Colonies, the Houſe doubts not will be ſufficient to keep them in their uſual Fidelity to his Majeſty. But if it ſhould happen, that thoſe, or any other *Indians*, ſhould make War upon any of the Neighbouring Colonies, this Houſe will, as they have hitherto done, exert themſelves to the utmoſt of their Abilities, to aſſiſt His Majeſty and his Subjects againſt their Enemies.

That it is with concern they hear of the Riot committed at *Newark*, and with Abhorrence of all ſuch Actions look on thoſe who will not be Subject to the good and wholeſome Laws of our Nation, as Enemies to the Common Good; nevertheleſs, as far as we know, the Laws now in Force are ſufficient for the Puniſhment of thoſe that are guilty of the Breach of them; and the Houſe are of the Opinion, that all violaters of Laws ought to be very early brought to Juſtice; otherwiſe, as His Excellency very juſtly obſerves, the Infection will ſoon ſpread, common People will follow the Example of their Superiors, and hope for the like Impunity. Had thoſe Magiſtrates in the County of *Hunterdon*, complained of by the laſt Houſe of Aſſembly for their ſubverting a Law of this Province, met with a due Diſcouragement from his Excellency, it might have deterred others from attempting any thing of that Kind. The executive Power of the Law is entruſted with his Excellency, and only the Aſſiſtance in making them required of the Aſſembly; and when His Excellency will be pleaſed to point out to us, any Deficiency in the Laws for bringing to condign Puniſhment any of the aforeſaid Offenders, it ſhall always have its due Weight with this Houſe.

That we have the Pleaſure to acquaint His Excellency, that we were the firſt of the Colonies (except thoſe immediately concern'd in the Undertaking) that gave a Sum of Money to purchaſe Proviſions for the Uſe of His Majeſty's Subjects at *Cape-Breton*; and what we then gave was judged ſince (as we are inform'd) by our Neighbours to be in full Proportion with any of theirs; and we hope will be accepted as what we are at preſent able to do. This Colony, by Reaſon of the Expedition to the *Weſt-Indies*, and the large Number ſince gone in the Privateering Service, is very much drained of Men, and the Seaſon of the Year too far advanced for the raiſing them timely enough to be tranſported to *Cape-Breton*, were they to be had, and we of Ability to defray the Expence, which at preſent we are not: And as timely Intelligence was ſent to His Majeſty of that Aquiſition, we make no doubt but that he will take the Place under his own Protection and ſend Men to relieve thoſe that are there.

Mr. *Stelle*, from the Committee to whom was referred the Examination of the Accounts of the Truſtees, *&c.* reported, that the ſaid Committee had examined the ſaid Accounts, and are ready to make their Report when the Houſe will be pleaſed to receive the ſame.

Ordered

Ordered,
That the ſaid Report be made immediately.

Mr. *Stelle* thereupon read the Report in his Place, and then delivered it in at the Table, and it is as follows. " *The Committee appointed to examine* " *the Accounts of* William Mott *and* Jacob Spicer, *the Truſtees of the Weſtern* " *Diviſion of this Colony, appointed by a late Act of Aſſembly for laying out* " *and ſhipping the Moiety of* Two Thouſand Pounds *for the Uſe of His Ma-* " *jeſty's Subjects at* Cape-Breton; *having carefully examined the ſaid Accounts* " *and Vouchers therein mentioned, Do humbly report, that by the ſame it appears* " *the ſaid Moiety of Two Thouſand Pounds was laid out according to the Di-* " *rections of the ſaid Act, and the neat proceeds thereof, after Deduction of* " *Freight and Commiſſions, was ſhipp'd in Proviſions on board the Sloop* Dolphin, " Samuel Parſons, *Maſter, to Governor* Shirley, *or the Commander in Chief* " *at* Boſton, *who has tranſmitted no Advice of the Receipt thereof, that this* " *Committee is informed of. All which they humbly ſubmit to the further* " *Conſideration of this honourable Houſe.*

Which Report the Houſe approved of, and deſired Mr. *Speaker* to write to Governor *Shirley*, or the Commander in Chief at *Boſton*, that he would be pleaſed to ſignify to him what Proviſions he has receiv'd from this Colony.

Mr. *Speaker* communicated to the Houſe the following Letter from his Excellency, which he receiv'd this Day, *viz.*

Mr. Speaker, *Kingſbury, Oct.* 2. 1745.

" *I* SEND *you incloſed a Letter I receiv'd Yeſterday from Lieutenant Go-* " *vernor* Phips, *of the* Maſſachuſets-Bay, *with the Copy of a Letter from* " *Governor* Shirley *to him, which ſhews the Neceſſity of the Aid they deſire; and of what ill Conſequences to His Majeſty's Service, the denying or defer-* " *ing ſuch Aid may prove; which I refer to the Conſideration of your Houſe.*

" *My ill State of Health is ſuch, that I cannot go to* Burlington *(tho' but* " *Ten Miles off beſides the Ferries) and indeed not with eaſe down Stairs:* " *Therefore, if this comes to your Hand this Afternoon, or to-morrow Morning,* " *before you adjourn, then adjourn the Houſe to meet at* Trenton *on* Thurſday " *or* Friday *next, as you think will be moſt convenient for the Houſe and you* " *to get there. We ſhall be then not half a Mile aſſunder, and more capable* " *of expediting the neceſſary Buſineſs before us.*

Samuel Nevill, Eſq; Speaker of the Houſe of Repreſentatives of the Province of *New-Jerſey*.

I am, Sir,

Your very Humble Servant,

LEWIS MORRIS.

And the Letter from Lieutenant Governor *Phips*, and Copy of the Letter from Governor *Shirley*, were read, and ordered a ſecond Reading.

Ordered,
That *William Bradford*, of *Philadelphia*, do print the Votes and Minutes of this Houſe, being firſt peruſed and ſign'd by the *Speaker*.

Mr

Mr. *Speaker* acquainted the Houſe, that *Thomas Shreeve*, Sergeant at Arms, had inform'd him, that he had ſerved the Poſt-Rider, according to Order, with the Copy of the Reſolutions of this Houſe delivered him by the Clerk.

And then, according to his Excellency's Pleaſure ſignified in the above Letter, the Houſe adjourn'd till to-morrow four o'Clock in the Afternoon, to meet at *Trenton*.

Friday, October 4. 1745.

The Houſe met at *Trenton* according to adjournment, and adjourn'd till to-morrow Morning nine of the Clock.

Saturday October 5, 1745.

The Houſe met and adjourn'd till *Monday* morning 9 o'Clock.

BY *Virtue of an Order of the Houſe, I do appoint* William Bradford *of* Philadelphia, *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*

VOTES

OF THE

General ASSEMBLY

MONDAY, October 7. 1745.

The House met.

MR. *Crane* reported, that Mr. *Hancock* and himself waited on his Excellency with the Message of the House of Thursday last; and that he was pleased to say, That he would read it, and consider it, and send an Answer to the House.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday October 8. 1745.

The House met.

Ordered,

That Mr. *Lawrence* and Mr. *Doughty* do wait on the Council (if sitting) and acquaint them, that this House desires to be informed, whether the General Assembly was called from *Burlington* to *Trenton* at this Time by Advice of Council or not? and if the Council be not sitting, then to deliver the said Message to any one of the Gentlemen of the Council in Town.

The House adjourn'd till two of the Clock in the Afternoon.

The House met.

Mr. *Lawrence* reported, that Mr. *Doughty* and himself went to wait on the Council, with the Message of the House; but the Council not being sitting, they delivered it to Mr. *Antill*, one of the Gentlemen of the Council, who said, that he would lay it before that Board as soon as they met.

The

The Houſe adjourn'd 'till To-morrow Morning Nine of the Clock.

Wedneſday, October 9. 1745.

The Houſe met, and having waited ſome time, and hearing nothing from the Council in Anſwer to their Meſſage of Yeſterday, adjourn'd till To-morrow Morning nine of the Clock.

Thurſday, October 10. 1745.

The Houſe met and adjourn'd till 2. *P. M.*

The Houſe met, and hearing nothing from the Governor or Council, ſince they came to *Trenton*, adjourn'd till To-morrow Morning nine of the Clock.

Friday October 11. 1745.

The Houſe met, and not yet hearing from the Governor or Council adjourn'd till two of the Clock in the Afternoon.

The Houſe met.

A Meſſage from the Council by Mr. *Rodman*, in the following Words:

" The Council taking into their Conſideration the Meſſage from the Houſe " of Aſſembly of the 8th Inſtant by Mr. *Lawrence* and Mr. *Doughty*, are " of Opinion; That by the Conſtitution of *England* it is the undoubted " Prerogative of the Crown to adjourn, prorogue, and diſſolve Parliaments, " and conſequently Aſſemblies, and to appoint the Places of their Meeting: " That his Majeſty, by his Letters Patent under the Great Seal of *Great-Bri-* " *tain*, has been pleaſed to delegate that Power in *New-Jerſey* to His " Excellency the Governor:

" That all Advices from the Council to the Governor are given in a Pri- " vy Council, and are Matters of State; and the Members of the Council are " by their Oaths and Affirmations bound to keep cloſe and ſecret all ſuch " Matters as are propounded, treated, diſputed, debated, or reſolved in ſuch " Council, without diſcloſing the ſame, or any Part thereof, to any but " to ſuch only who are of the Council: So that this Houſe can in no wiſe, " conſiſtent with their Truſt, give an Anſwer to what the Houſe of Aſſem- " bly deſires to be informed of."

The Houſe having taking the ſame into Conſideration,

Ordered,

(Nemine Contradicente) That Mr. *Spicer* and Mr. *Fiſher* do wait on his Excellency, and acquaint Him, That the Houſe for ſundry Reaſons are of Opinion, they have a Right to be inform'd, whether the General Aſſembly was called to *Trenton* at this Time by Advice of Council: That having applyed to the Council for that Information, they have declared, That they were bound

bound to keep ſecret all Matters reſolved on in a Privy-Council; and have therefore given the Houſe no Satisfaction concerning it: And that this Houſe deſires his Excellency will be pleaſed to ſatisfy them, whether he has had the Advice of the Council for calling the General Aſſembly at this Time from *Burlington* to *Trenton*?

The Houſe adjourn'd till to morrow Morning nine o'Clock.

Saturday, October 12. 1745.

The Houſe met.

Mr. *Spicer* reported, That Mr. *Fiſher* and himſelf, according to Order, waited on His Excellency with the Meſſage of the Houſe, and read it to him, who was pleaſed to ſay, That he would not receive it; but gave the Meſſengers a Writing in the following Words: " The *Speaker* is the Mouth of the " Houſe, and from him I am to receive an Account of the Deſires or Re- " queſts of the Houſe; when he doth ſo I ſhall make what Anſwer to it I " judge proper on the Occaſion."

Ordered,
That the Subject Matter of the Meſſage and His Excellency's Anſwer be referred to further Conſideration.

The Houſe adjourn'd till *Monday* two of the Clock in the Afternoon.

Monday, October 14, 1745.

The Houſe met.

The Houſe reſuming the Conſideration of His Excellency's Anſwer to their Meſſengers, on their reading to him the Meſſage of this Houſe of the 11th Inſtant, are unanimouſly of Opinion, that as the Validity of the Proceedings of the General Aſſembly very much depends on their being call'd together according to His Majeſty's Commands, their being therefore from time to time removed from *Amboy* and *Burlington*, the Places directed by His Majeſty to ſit in (as they conceive) without the Advice of Council, is in it ſelf fruſtrating the Good Intentions of his Majeſty, and may, from the Conſequences attending it, be a Means of depriving the People of that valuable Part of their Rights and Priviledges, it being undeniably a Precedent that hereafter may be carried to lengths extreamly prejudicial to the Inhabitants of this Colony.

And the Houſe being well aſſured, that it is agreeable to His Majeſty's Pleaſure, ſignifyed to his Excellency in his Inſtructions, that they ſhould not be removed from *Amboy* and *Burlington*, except by the Advice of Council, and that on extraordinary Occaſions, They, at their late meeting at this Place, thought it their Duty to inform themſelves, whether they were then removed

from

from *Amboy* to *Trenton* by Advice of Council, or not ; but their Enquiry was then put an end to by a ſudden and unexpected Prorogation. And ſince their being called to *Trenton* again, the Houſe (in purſuance of their Truſt) have thought it their Duty to make Enquiry, whether they were called from *Burlington* to *Trenton* at this Time by Advice of Council, or not ; and accordingly applyed to the Council, but receiving no Information from them, it then became neceſſary to apply to his Excellency, who was pleaſed (after hearing the Meſſage of this Houſe) to ſay, He would not receive it unleſs from the Mouth of the Speaker ; which this Houſe conceives to be a Proceeding unprecedented, and therefore have come to the following Reſolutions.

Reſolved,
(Nemine Contradicente) That His Excellency's refuſing to receive the Meſſage of this Houſe, ſent by their Members, (which has been the conſtant Practice of all the Aſſemblies of this Colony ever ſince the Surrender of the Government by the Proprietors to the Crown, and the common Practice of the Parliament of *Great-Britain*) is a manifeſt denial of the Freedom of Acceſs to the Governor, and of the Priviledges of this Houſe, and deſtructive of that Confidence and Harmony that ought to ſubſiſt between Him and the Repreſentatives of this Colony.

Reſolved, (Nemine contradicente,)
That this Houſe are determined, as much as in them lies, not to be deprived of their ancient and accuſtomed way of Proceeding, by complying with new and unprecedented Preſcriptions.

Reſolved; (Nemine contradicente,)
That this Houſe will not proceed any further on the publick Buſineſs (unleſs ſuch as may affect His Majeſty's eſpecial Service, or in a legal Manner to have the Grievances of this Colony redreſſed) until they have the reaſonable Satisfaction of being informed whether they were removed at this time from *Burlington* to *Trenton* by Advice of Council, according to his Majeſty's Commands, or not.

The Houſe adjourn'd till to morrow morning nine o'Colck.

Tueſday, October 15. 1745.

The Houſe met and adjourn'd till To-morrow Morning nine of the Clock.

BY *Virtue of an Order of the Houſe, I do appoint* William Bradford *of* Philadelphia, *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*

VOTES

OF THE

General ASSEMBLY

WEDNESDAY, October 16, 1745.

THE Houſe met and adjourn'd till two o'Clock in the Afternoon

The Houſe met and adjourn'd till to-morrow Morning nine o'Clock

Thurſday, October 17. 1745.

The Houſe met and adjourn'd till 2. *P. M.*

The Houſe met and adjourn'd till to morrow morning nine o'Colck.

Friday, October 18. 1745.

The Houſe met; and hearing nothing from His Excellency, A Motion was made, that as this Houſe hath been called here from *Burlington* on the *Third* Day of this Inſtant, *fifteen* Days ſince, and to this time have heard nothing from his Excellency relating to their being ſo called, neither been able to obtain Information, whether they were called here according to His Majeſty's Commands or not, which the Houſe looks upon as Treatment, untill of late, unprecedented, therefore have come to the following Reſolution.

Reſolved,

That his Excellency's detaining the Houſe for ſo long time together, without letting them hear from him relating to the Buſineſs of the Houſe, is a a great Grievance to this Houſe in particular, and to the Inhabitants of this Colony in general.

Then the Queſtion was put whether the Houſe agrees thereto, or not; and it paſſed in the Affirmative.

Yeas.	Yeas.	Yeas.	Nays.
Col. *Farmar*,	Mr. *Van Buſkirk*,	Mr. *Hopkins*.	Mr. *Stelle*,
Mr. *Eatton*,	Mr. *Demareſt*,	Mr. *Hancock*.	Mr. *Heard*.
Mr. *Lawrence*,	Mr. *R. Smith*,	Mr. *Leaming*,	
Mr. *Crane*,	Mr. *Cooke*,	Mr. *Spicer*,	
Mr. *Van Middleſworth*,	Mr. *Wright*,	Mr. *Mott*,	
Mr. *Fiſher*,	Mr. *Cooper*,	Mr. *Doughty*.	

The Houſe adjourn'd till two of the Clock in the Afternoon.

The Houſe met.

Mr. Secretary brought a Meſſage from his Excellency, which he read, and then delivered to Mr. *Speaker*, and it is as follows, *viz.*

Mr. SPEAKER, *October* the 18th. 1745.

I Received a Paper by Meſſrs. *Crane* and *Hancock*, which they ſaid was a Meſſage from your Houſe, which they declined reading of for Reaſons to themſelves beſt known; and which Men of any Modeſty, tho' concerned in the contriving and forming of a Meſſage of that Kind, wherein the Methods of common Decency have been ſo much neglected, had but two much Reaſon to do.

When the Houſe preſented you as their Speaker, you prayed, that the uſual Liberties ſuppoſed to be annexed to that Station might be granted to you; and that the Members of your Houſe might at all Times have free Acceſs to me upon *urgent and neceſſary Occaſions*. 2d. That if in any thing you ſhould miſtake or miſreport any thing committed unto you to declare, that your unwilling miſcarriage therein might be pardoned. 3d. That they might have Liberty and Freedom of Speech in whatſoever they might have Occaſion to propound and debate in the *Houſe*, &c. Theſe Liberties *&c.* in Imitation of the Houſe of Commons, were always asked, as they were by you, and always granted, both at Home and here: But *ſo as they were diſcreetly and modeſtly uſed.*

No Priviledges, either inherent or granted, can be conſtrued to give either your whole Houſe, or any Member of it, or any elſe a Liberty of uſing any indecent Expreſſions, or of vilifying the Kings Repreſentative, or of abuſing His Majeſty's Council.

The Conduct of your Houſe at their laſt Meeting ſhewed, that they had not made (as they tell me in their Meſſage) what was recommended to them, at all the Subject of their Inquiry, and their not doing ſo, requires an Apology (tho' they ſay it doth not) for their great neglect in that Caſe; and the beſt they can make, is the heartily ſetting about, and effectually doing what was recommended to them, and needs ſo much to be done; and not the purſuing an Inquiry with which they have nothing to do.

They

They may ſee by the King's Letters Patent under the Great Seal of *Great-Britain*, and upon Record here, that the Calling, Adjourning, Proroguing, and Diſſolving of General Aſſemblies, is a Power his Majeſty has been graciouſly pleaſed to entruſt with me; and Aſſemblies are bound on their Allegiance to obey. How far I may, or may not, execute theſe Powers, is contain'd in his Majeſty's Inſtructions to me, which I have communicated to His Majeſty's Council, one of the Parts that conſtitute a General Aſſembly, and who are the only Perſons here that are to judge how far in that Caſe I have acted agreeable to His Inſtructions or not: But I do not think it for His Majeſty's Service, to communicate farther than I have already done, an Inſtruction, or the Effect of it, to you, with which you have nothing to do: I being only accountable to His Majeſty, if I ſhould neglect His Directions to me, which I have not in any Caſe done that I know of.

Tho' the Members of your Houſe might have ſpent their Time to much better purpoſe than trifling it away upon a needleſs Inquiry, yet I do not think it was any Motive to induce the Council (if they knew it) to adviſe the Adjournment or Prorogation of the Houſe: It might indeed ſhew them, as it did every Body elſe that knew what they were about, (as I did not) the incurable Diſpoſition the Majority of your Members are poſſeſſed of, to quarrel and jangle upon every Occaſion; and induſtriouſly to ſeek for Opportunities, and make uſe of every Handle, to foment and increaſe that Difference between the Parts of the Legiſlature, themſelves had ſo unwarrantably and unreaſonably created, and leave no Method uneſſayed ſtill to continue and promote. The Reaſons the Council gave me for the Proroguing the laſt Meeting was the Neceſſity the Members were under of attending their private Affairs at home, it being their Seed-time; and therefore adviſed me to prorogue them to *Burlington*. This was accordingly done, that they might then without further delay, enter and proceed upon the abſolutely neceſſary Buſineſs they were called together for; which inſtead of doing of, they have, upon feigned frivolous pretences, avoided medling with and left undone.

The Gentlemen of the Couucil, who adviſed this Prorogation, at a Time when the publick Affairs required ſo much the Members of your Houſe being kept together, are Inhabitants of the Weſtern Diviſion, are Men who well know the Seaſons of Seed-time, and are well acquainted with moſt of the Members of your Houſe, eſpecially thoſe that are of the Weſtern Diviſion, and their Circumſtances; and is it not more reaſonable to believe, that they gave this Advice for the Reaſons they ſay they did, and that it was agreeable to the Sentiments of Men they were ſo well acquainted with, than to ſuppoſe they did it, to put an End to an impertinent Inquiry, which could be of no good Uſe whatſoever, but evidently entered upon to diſtract the Minds of the People, and to prevent the Houſe from proceeding upon any of the Matters then, and before that, recommended to them, tho' of the utmoſt Conſequence to the Safety of the Province.

Theſe Councellors are not my Servants, but his Majeſty's, and is their any Reaſon, from this Advice, to conclude, that the Adviſers are Lyars, and Wicked? Or that the Ruler hearkens to Lies, either from them, or any Body elſe? Expreſſions like theſe may gratify the malicious Temper of low

Minds

Minds, unacquainted with the common Rules of Decency, and incapable of any thing above the Scum of the People; but will any Body, but ſuch as themſelves, ſay, that it is becoming the Repreſentative Body of a Province to uſe ſuch to the King's Repreſentative, and with Reſpect to the Chief Magiſtrates of a Province? tho' uſhered in by a Text of Scripture, in order to make the weak minded among their Electors believe, that the Application of that Text to the Governor and Council is juſt; and to alleniate their Affections from His Majeſty's Government, and ſtir up Sedition amongſt the People, upon no other Ground than the want of Shame and Manners in thoſe that made Uſe of them.

The Remembrance, as they ſay, of the *frequent Impoſitions of this Kind, and my repeatedly receiving Information from others concerning the Affairs of the General Aſſembly of this Colony*, put the inquiſitive part of Mankind in Mind of the Remark of *Prov* 29. and the 12th. The Inquiſitive and Ingenious part of Mankind are always capable of making ſuitable Remarks upon what occurs to their Obſervation; but that doth not give the Members of your Houſe (who are by no Means intitled to that Character) a right to make Uſe of Scripture to abuſe their Superiors; which no ingenious and honeſt Man would think there was Reaſon for doing on this Occaſion.

In a late Addreſs from your Houſe, they call themſelves Plowmen: To ſuch, Language of this Kind may not be diſagreeable; and from ſuch, remarks of this Kind not unexpected, as being moſt ſuitable to Men of ſuch Characters: But the Wiſe Son of *Syrach* is far from reckoning ſuch among the inquiſitive Part of Mankind; or Men ſuppoſed capable of knowing what the inquiſitive Part of Mankind would do in the 38th Chapter of *Ecle.* the 25th. 26th and 33d Verſes.

Pray what are the frequent Impoſitions of this Kind that they remember ſo well, and my repeated receiving Informations from others? Let them give ſome Inſtances at leaſt of theſe ſo frequent Impoſitions, if they can, for I remember none of them; and am ſo well acquainted with the Nature of Aſſemblies, and of this in particular, that I need no Information from themſelves, or any Body elſe, concerning them.

I do remember a Complaint of this Kind was made by the preſent Members of your Houſe when they ſat laſt at *Amboy*, upon as groundleſs Pretences as now; upon which I ſhewed from their own Minutes, that they referred to, that I had my Informations from their Minutes concerning their Conduct. Theſe were two notorious to be denied; and with much ado got entred in their Minutes, tho' not in the right Place.

By theſe Minutes it appeared, and always will appear, while thoſe Minutes (or Records if they pleaſe to have it ſo) remain, That the Difference now ſubſiſting aroſe ſolely from the Houſe of Repreſentatives themſelves, and was of their own ſeeking, unprovoked by me, and at a Time when I had granted them all they deſired: and all things then ſeemed to tend to Peace, and a happy Settlement of the Publick in the Opinion of all, except ſuch who were reſolved to quarrel at any rate, and run the Province into Confuſion.

This

This Conduct was two notorious to be denied, and too groſs to be palliated; and the preſent Houſe of Repreſentatives, whoſe Members chiefly conſiſt of the ſame Men that ſo induſtriouſly raiſed and promoted that Difference, and who ſtill promote it to the utmoſt of their Power; was ſo unable to deny a Truth ſo well known and evident, that in their Addreſs to me, they deſired to be excuſed anſwering what I had ſaid, on the Pretence, forſooth, of their being Plowmen, and not furniſhed with ſufficient Talents for Controverſy.

When I moved the Aſſembly from *Amboy* to *Burlington*, (out of its turn) it was at their own deſire: This came indiſputably from themſelves; they became Petitioners to me for doing ſo, and to induce me to do it, made large Promiſes in their Addreſs to me, not one of which they have complyed with; and as it appears by their Conduct, never intended to comply with any of them: This ſhews what Opinion the World ought to entertain of the Truth and Sincerity of thoſe great Pretenders to both.

When I was at *Burlington*, I was ſuddenly taken very Sick, which confin'd me ſeveral Days to my Bed, and made my removal to my Houſe at this Place neceſſary, where I was confined to my Bed and Chamber in great Pain the greateſt Part of the Winter, and reduced almoſt to a Skeleton; as I am now by this laſt Illneſs. This made the adjourning the Aſſembly to *Trenton*, about a Quarter of a Mile from this Place, neceſſary; in order to finiſh the Buſineſs then before them, and make good the Promiſes made to me in their Addreſs, if they had any Intentions of doing it. This is a Fact known to all, and ſhew'd the Reaſon and Neceſſity of moving the Aſſembly at that Time to *Trenton*. There ſeveral Bills were paſſed by the Houſe, and one in particular to make current £. 40,000 in Bills of Credit; brought in with a pompous Preamble for the Reaſons of doing it, *viz.* Building a Houſe for the Reſidence of the Governor: A Place for the Meeting of the Council and Aſſembly; and for keeping of the Secretary's Office. Theſe they well knew were good Reaſons for making of ſuch a Bill, and much wanted: But as there were no enacting Clauſes, either in this Bill, or any other, for doing any thing of this Kind, it ſhews they never did intend to do anyThing of that Nature, and that this Preamble was mere Pretence, introduced with a View to induce the Council to paſs the Bill as it was then drawn; but they did not paſs either that or the other of their Bills, for Reaſons they have aſſigned, and are publickly known. The Council refuſing their Aſſent, the Aſſembly then proceeded to a Bill for the Support of the Government, in which they leſſened my ſallary one half, and the Chief Juſtices three Fourths, and cramp'd moſt of the Officers, of the Government in their Sallaries: So that the Support of the Government was reduced to about the one Half of what was uſually applyed for that Purpoſe.

This, they knew, neither would, nor could be aſſented to by the Council, as very inſufficient for the Purpoſe; and all the Reaſon they aſſigned for this Conduct was, That Ways had been thought of to influence the Council to reject their Bills. The Council have undoubtedly a Right to approve or diſapprove of any Bills ſent to them by that Houſe; as is owned, and that whether influenced by Ways, or Reaſons thought of by themſelves, or any body elſe: But if they Exerciſe this Right, which it is on all Hands agreed they

have a Right to do, your Houſe is reſolved not to ſupport ſuch a Government.

This ſhews, that notwithſtanding the Addreſs of that Houſe petitioning to be adjourn'd to *Burlington*, and the Promiſes made in it, That the Majority of the Members that made it, met at *Burlington* predetermined not to comply with any of their Promiſes; nor to ſupport the Government, or provide for its Defence by a Militia Act, unleſs the Council and my ſelf aſſented to the Act for making £. 40,000 Current in Bills of Credit, and ſuch other Acts as they had propoſed, and in the Manner they had drawn them.

Upon this, that Houſe was diſſolved, and the Preſent choſen, which conſiſt chiefly of the ſame Men, and poſſeſs'd of the ſame determined Reſolutions; and accordingly, during the Time of their laſt ſiting at *Amboy*, induſtriouſly ſought, and readily laid hold of any Pretence that gave them the leaſt Handle to diſpute and differ; ſo that the Time there, was chiefly ſpent in Wrangles and Diſputes, that ſhould have been employ'd to much better purpoſe. At laſt at a Conference with you the Speaker, and ſome Members deputed by the Houſe, the true Reaſon of all theſe Delays and little Crafts to avoid doing what they were called together for, came out; and that was, they wanted (as they called it) Encouragement: And the Encouragment they wanted was, a Promiſe that the Bill for making £. 40,000 in Bills of Credit, and two more they named, ſhould paſs into Acts.

They did not pretend an Inability to ſupport the Government, the Contrary being evident, and Money ſufficient lying dead in the Treaſury for that Purpoſe; but told me, the Houſe would WILLINGLY ſupport the Government with Sallaries as large as any had been given during my Adminiſtration, on Condition they could obtain theſe Acts; and after that ſent me a Meſſage, ſaying, They had ſolicited ME, and that the Houſe would willingly ſupport the Government with Salaries as large, *&c.* on CONDITION they could obtain theſe Acts. They add, what was not mention'd before, *viz.* That would ENABLE them to do it in a Manner they COULD APPROVE OF: What that Manner would be, I know not; tho' from their paſs'd Conduct, it is not very difficult to gueſs. But the Meſſages then, and now ſent to me plainly ſhews, that the paſſing the Bill they ſent up, both by the Council and my ſelf, and in the Manner they have drawn it, to make £. 40,000 in Bills of Credit is a CONDITION of ſupporting the Government, a Condition which if not performed, they declare they will not ſupport the Government in the uſual Manner even for a ſingle Year.

They ſay, they ſhall be enabled to ſupport the Government by the having that Act in a Manner they could approve of: But pray what Manner is that? Would the Government have any greater Security than it has already of being ſupported? Or is there any thing to be gathered from their paſt Conduct of their ſupporting the Government as they ought?

When the Act was in Agitation againſt bringing Actions under *Fifteen Pounds* into the Supream Court, they were ſo ſenſible that it abated conſiderably of the Perquiſites of the Chief Juſtice, that they conſented to add to his

Sallary

Sallary in Conſideration of that Abatement ; but notwithſtanding, when they had by that Means obtain'd the Act, they ſoon after took off that Part of his Sallary, and more.

However eſſentially neceſſary they call, or think their favourite Bill for making £. 40,000 current in Bills of Credit, the Gentlemen of the Council, who know as much of the Matter as your Houſe do, and have as great a Right to think and Act in Legiſlation as they have, think that Bill to be neither neceſſary nor convenient, but the Contrary, and accordingly refuſed their Aſſent to it, as they have to your other Bills. But ſuppoſing they ſhould be ſo far influenced by your Clamour, as to aſſent to ſuch a Bill, or to that Bill, what Security has the Government of being better Supported than it was before ?

You may call any Bill that you think fit to propoſe, eſſentially neceſſary, and refuſe to ſupport the Government if not aſſented to, as well after that Bill is paſſed as before ; and as Things are Circumſtanced, if they continue ſo, your Houſe will always have the ſame Means in their Hands, and it is not impoſſible to ſuppoſe they will make uſe of them for the ſame Purpoſe.

In a Meſſage of, I think the 27th of *May* laſt, your Houſe ſay, that they are determin'd to aſſent to no larger Applications until you can have an Aſſurance of obtaining ſome Acts they think they have a RIGHT to, one of theſe is the Act to make £. 40,000 in Bills of Credit.

It is a Point diſputed whether any Man, or Authority, can oblige a Man to take a Piece of Paper, of not a Farthing Value, for the Value of One Shilling or Five Pounds in Silver : But pray how came your Houſe by the Right of making theſe Bills themſelves, or having them made for them ?

When I called you to this Place, inſtead of meeting you at *Amboy*, I told you the Reaſon of my doing ſo was my not being able to attend at *Amboy* : The Thing was evident to yourſelves, and all that ſaw me ; and the neceſſity of your Meeting here, or not at all, being ſelf evident ; there was no need of the formality of calling the Council, could they be eaſily got together (as they cannot) to give an Advice, which of Courſe would have been given, as will appear by what Advice has been given on the preſent Meeting here by His Majeſty's Council, who are the only Perſons concern'd to adviſe in this Caſe ; but their Advice is but Advice, and of no greater Authority ; and tho' I always have, and always ſhall be, glad of receiving it when I can get them together, or the ſmalleſt Quorum of them, and pay a great Regard to what they do adviſe ; tho' it is no eaſy Matter to get them together, there being no Proviſion made to defray the Expence of their Attendance ; yet if I ſhould take upon me to act without, or even Contrary to their Advice, His Majeſty, upon ſeeing the Reaſons of my doing ſo, is the only Judge whether I am blameable or not : But not your Houſe, or any Member of it, to whom I am no Ways accountable that I know of.

By your Meſſage to the Council, your Houſe demanded of them to know whether you were adjourn'd from *Burlington* to *Trenton* by their Advice, or not ?

not? The Anſwer to this Queſtion being capable of being made by you a pretence and precedent for demanding in any Caſe, an account of what Advice they gave the Governor; and the Demand being made probably more with that Intent, than to know whether they adviſed ſo or not, (which they conceived your Houſe had nothing to do with) They judg'd it by no Means adviſeable to give you any Satisfaction on that Head, leaſt it ſhould be, in Times to come, made uſe of as a Precedent; being dangerous in its Conſequences, becauſe you, or future Aſſemblies, might in any other Caſe, demand whether the Council adviſed ſo, or ſo, or not, and if refuſed to be anſwered, afford a Pretence of Difference.

Tho' your Houſe might make that Demand with ſuch an Intent as well as with other Views; yet I, who by their paſs'd Conduct well knew they were capable of making any thing a pretence, and would do ſo, to avoid doing what was required of them, did (as much as I could to prevent their doing ſo) permit the Secretary to ſhew to the Speaker and ſome of the Members what Advice was given me on that Head: He accordingly informed the Speaker of this, who, with three other Members, came to the Houſe of Mrs. *Loveland* and there the Secretary laid the Council Book open before them, and pointed to the ſide where the Advice was written: One of them ſeemed to read it curſorily over, and all of them might have read it if they would. But one of them ask'd the Secretary, whether the Governor had ordered him to ſhew it them, that they might enter it on their Journal? or Words to that Effect. The Secretary reply'd, that he had no Orders to that purpoſe, but was permitted by the Governor to ſhew it them, that they might (as the Secretary ſuppoſed) be ſatisfied that he had called them to *Trenton* by Advice of Council, and upon their declining to look into the Book more than had been done, he took up the Book and left them.

Tho' moſt believed they well knew they were called to *Trenton* by Advice of Council, yet this ſhews, that they not only did not want any Information of this Kind, but that they refuſed to receive it when they might have it; and that all the Clamours they make on this Head, are groundleſs and unreaſonable, as well as untrue Pretences, to avoid ſupporting the Government, or providing in any Caſe for its Defence; they being determined, as appears by their Meſſages, not to conſent to a larger Application of the publick Money to the Support of the Government than what they there mention; which they know will neither Anſwer the End of ſupporting the Government, nor can be accepted as ſufficient for that purpoſe; and by this Method entertain the vain Hopes of compelling the Governor and Council to aſſent to their Bill as they have drawn it, of making *Forty Thouſand Pounds* current in Bills of Credit; and this they may do on any other Occaſion, as well after ſuch a Bill paſſes as before, whenever the Council or my ſelf refuſe to comply with Demands or Propoſals either of us think unreaſonable or detrimental to the Publick. Of this Nature is every Thing elſe they have ſaid, mere Pretences, and very weak ones, to avoid doing what was recommended to them, unleſs they have *Forty Thouſand Pounds* in Bills of Credit.

Theſe Men (tho' they cannot bear to be told of the evident Miſcarriages of former Aſſemblies) have unreaſonably clamour'd in ſeveral ſucceſſive ſittings

tings, becauſe the Juſtices of *Hunterdon* were not proſecuted, when they well know I never hindred them from being ſo. I took much Pains in a very weak Condition (as I am at preſent) to let that Matter in as clear a Light as I then could do, and the Law was open to any Body that thought themſelves agrieved to proſecute them if they thought fit, and it is ſtill: But why they ſhould be diſplaced upon the Suggeſtion of a few Petitioners, till they were convicted of having done ſomething to deſerve it, or proſecuted at the Charge of the Government, or at my own private Expence, eſpecially ſince there is not any Support of the Government, nor is not, nor never was ſince my Adminiſtration, any Fund appropriated for to defray the Charge of that or any other Incident, your Houſe has never yet ſhewn me, nor I believe never can? But if your Houſe, who have taken upon themſelves to determine, that theſe Juſtices have ſubverted the Law, or any of your Members, are inclined to proſecute them in a Court of Law, they are at Liberty to do ſo; for there only it can be legally determin'd, whether they have ſubverted the Law or not. This you have been told more than once, but reſolve to make uſe of any Pretence, however groundleſs, to continue your Clamours.

The Laws are ſufficient to puniſh Rioters, or other offenders: But neither the preſent Militia Act, nor any that you have attempted to make, are ſufficient to quell a Riot of this Kind, or perhaps an Inſurrection, for which force may be neceſſary; which cannot be continued without ſome Proviſion to ſupport them; nor can the Officers and Courts neceſſary to convict them, attend that Service, without Sallaries, or ſome Proviſion, to defray the Charge of Proſecution, which are not provided, nor, as appears, intended to be provided for by your Houſe.

The Petitions for a ſeparate Governor are known, as are the Reaſons for making them; which were, that the Governor generally reſided at *New-York*, and often preferred the Intereſt of that Province to the prejudice of this; that his Abſence occaſioned almoſt an intire neglect of the Affairs of this Government, and great Delays in the Adminiſtration of Juſtice, both in Cauſes depending before him in Chancery, and before him and the Council on Writs of Error: And whoever reads theſe Petitions, will (from your Meſſage) conclude, that your Houſe never did. Do you GROAN under theſe Grievances now? or did you at any time ſince my Adminiſtration? Have I been out of the Government at any time ſince I came into it, unleſs a ſmall Time at firſt to provide for the Removal of Wife and Family into this Province? Has there been any unreaſonable or great Delays in Cauſes depending before me in Chancery, or before the Council and my ſelf on Writs of Error? Say if you can; for theſe were the Matters complained of. What Act of Government has been refuſed to be done, for the Relief of the People? You ought at leaſt to have mention'd one among this heavy Load of Grievances that you groan under: But all this Noiſe of Grievances, this refuſal of Acts of Government for the RELIEF of the People, upon Examination, will amount to no more than the Council's denying their Aſſent to your Bill to make *Forty Thouſand Pounds*, and this only is evidently meant by what they ſay.

Tho' you never had, or never ſhould have, any thing to do with the *Indians* out of your own Limits, or the People of *Albany*, yet (as an *Indian* War is not unlikely) Care ſhould be taken to provide for the Subſiſtance of a Force to protect our back Settlements, in caſe it ſhould happen: But it ſeems nothing is to be done, tho' abſolutely neceſſary without *Forty Thouſand Pounds* in Bills of Credit being made Current.

You excuſe the not giving Aid of Men to *Louisburg*, becauſe the Province is drain'd of People by Privateering: Few went a Privateering from this Province, and notwithſtanding the pretended Diminution by Privateering, or the real Number of three full Companies of 100 Men each that went to *Carthagena*, the Province is ſo far from being drain'd of People, as you pretend, that by the Accounts now brought me in of thier Numbers, there are above *Sixteen Thouſand* Souls more than there was in the Year 1737,8 or 1738, when they were laſt numbered; ſo that what your Houſe take upon themſelves to aſſert, appears a poor Excuſe, without the Foundation of Truth to ſupport it.

LEWIS MORRIS.

Then Mr. *Secretary* read a Prorogation under the Great-Seal of this Colony, whereby the General Aſſembly ſtands Prorogued to Tueſday the *Nineteenth* Day of *November* next, then to meet at *Trenton*.

BY *Virtue of an Order of the Houſe, I do appoint* William Bradford *of* Philadelphia, *to print theſe Votes.*

SAMUEL NEVILL, *Speaker.*